

Reprinted April 6, 2007

ENGROSSED HOUSE BILL No. 1386

DIGEST OF HB 1386 (Updated April 5, 2007 5:58 pm - DI 106)

Citations Affected: IC 10-13; IC 11-8; IC 11-13; IC 34-30; IC 35-38; IC 35-41; IC 35-42; IC 35-50; IC 36-2; noncode.

Synopsis: Sex offenders. Adds: (1) promoting prostitution as a Class B felony; (2) promotion of human trafficking if the victim is less than 18 years of age; (3) sexual trafficking of a minor; (4) human trafficking if the victim is less than 18 years of age; and (5) possession of child pornography as a first offense; to the list of offenses requiring a person to register as a sex offender. Specifies that registration as a sex offender is not required for: (1) a parent or guardian who is convicted of kidnapping or confining a child of the parent or a child over whom the guardian has guardianship; or (2) a person convicted of sexual misconduct with a minor as a Class C felony if the person is not more than four years older than the victim and the court finds that the person should not be required to register. Specifies that, for purposes of the (Continued next page)

Effective: Upon passage; July 1, 2007.

Lawson L, Welch, Ulmer, Foley

(SENATE SPONSORS — BRAY, STEELE, ZAKAS)

January 16, 2007, read first time and referred to Committee on Judiciary. February 19, 2007, amended, reported — Do Pass. February 23, 2007, read second time, amended, ordered engrossed. February 26, 2007, engrossed, read third time, passed. Yeas 98, nays 0.

SENATE ACTION

March 5, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

March 13, 2007, reported favorably — Do Pass.

April 5, 2007, read second time, amended, ordered engrossed.



child pornography statute, a person may not possess certain material depicting or describing sexual conduct by a child: (1) the person knows is less than 16 years of age; or (2) who appears to be less than 16 years of age. Provides that it is a Class B felony if a person commits child seduction by using a computer network and has a previous unrelated conviction for committing the offense by using a computer network. Removes the lifetime registration requirement for sexual battery as a Class D felony, and imposes the standard ten year registration requirement. Specifies that a person is an offender against children if the person engages in a conspiracy to commit or attempts to commit an offense that would make the person an offender against children. Permits a county to adopt: (1) an annual sex offender registration fee that does not exceed \$50; and (2) a sex offender address change fee that does not exceed \$5. Provides that 90% of each fee is deposited in the county sex offender administration fund, and 10% of each fee is transferred to the state for deposit in the state sex offender administration fund. Specifies that the funds are to be used for expenses related to the operation of the Indiana sex offender registry. Requires a sexually violent predator whose sentence does not include a commitment to the department of correction to be placed on lifetime parole. Creates department of correction credit Class IV for felons convicted of certain serious child molesting offenses and certain murders involving sex offenses. Specifies that persons in credit Class IV earn one day of credit for each six days of incarceration. Provides that persons in credit Class IV may be placed in a credit class where they earn no credit, but may not be placed in a credit class where they earn more credit. Permits the department of correction to report certain fingerprint information to the state police department, and makes certain other changes relating to fingerprinting. Requires the department of correction to maintain records on certain sex offenders who are no longer required to register in Indiana. Requires a local law enforcement authority to notify the department of correction and update the National Sex Offender Registry data base when a sex offender registers or the registration information changes. Makes numerous other changes to sex offender registration procedures. Requires a court to consider expert testimony before determining that a juvenile is likely to be a repeat sex offender, and establishes a procedure for psychological evaluation of sex offenders to determine if they are sexually violent predators. Provides that a person who is not more than four years older than the victim, was involved in a dating relationship with the victim, and did not use violence in the commission of the offense is not a sexually violent predator if certain other conditions are met, and provides a similar defense to sexual misconduct with a minor. Establishes a procedure to permit an offender against children to petition a court to have the designation removed. Permits a court to suspend the sentence of a person convicted of nonviolent child molesting who is not more than four years older than the victim, who was involved in a dating relationship with the victim, and who meets certain other conditions. Specifies that "school property," for purposes of the offender against children statute, does not include the property of an institution providing post-secondary education. Makes other changes and conforming amendments. Makes it child seduction, a Class D felony, for a person: (1) who is at least 18 years of age; (2) who is a member the armed forces of the United States, or the Indiana National Guard; and (3) who is attempting to enlist a child at least 16 years of age but less than 18 years of age in the armed forces or Indiana National Guard; to engage with the child in sexual intercourse, deviate sexual conduct, or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult. (The introduced version of this bill was prepared by the sentencing policy study committee.)

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1386

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 10-13-3-5, AS AMENDED BY P.L.20-2006,
SECTION 1, AS AMENDED BY P.L.140-2006, SECTION 4, AND
AS AMENDED BY P.L.173-2006, SECTION 4, IS CORRECTED
AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
2007]: Sec. 5. (a) As used in this chapter, "criminal history data" means
information collected by criminal justice agencies, the United States
Department of Justice for the department's information system, or
individuals.

- (b) The term consists of the following:
 - (1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.
 - (2) Information, *including a photograph*, regarding a sex *and violent* offender (as defined in *IC* 5-2-12-4) *IC* 11-8-8-5) obtained through sex *and violent* offender registration under *IC* 5-2-12. *IC* 11-8-8.
- (3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

EH 1386—LS 6678/DI 106+



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1	(4) A photograph of the person who is the subject of the	
2	information described in subdivisions (1) through (3).	
3	(c) The term includes fingerprint information described in	
4	section 24(f) of this chapter.	
5	SECTION 2. IC 10-13-3-24, AS AMENDED BY P.L.20-2006,	
6	SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
7	JULY 1, 2007]: Sec. 24. (a) The department shall act as the official	
8	state central repository for criminal history data.	
9	(b) A sheriff, police department, or criminal justice agency in	
10	Indiana shall report to the department, on forms provided by the	
11	department, all arrests for reportable offenses.	
12	(c) Except as provided in subsection (e), at the time a sheriff, police	
13	department, or criminal justice agency makes the report described in	
14	subsection (b), the sheriff, police department, or criminal justice	
15	agency shall transmit a photograph of the person who is the subject of	
16	the report to the department.	
17	(d) The department may adopt guidelines concerning the:	
18	(1) form; and	
19	(2) manner of transmission (including electronic transmission);	
20	of a photograph described in subsection (c). If the department adopts	
21	guidelines under this subsection, the sheriff, police department, or	
22	criminal justice agency required to transmit a photograph under	
23	subsection (c) shall transmit the photograph in accordance with the	
24	guidelines adopted by the department.	
25	(e) Notwithstanding subsections (c) and (d):	
26	(1) the department is not required to process; and	
27	(2) a sheriff, police department, or criminal justice agency is not	
28	required to submit;	
29	a photograph under this section unless the department has sufficient	
30	funding available to process photographs submitted under this section.	
31	(f) The department of correction may report to the department:	
32	(1) fingerprints recorded by the department of correction in	
33	any reliable manner, including the use of a digital	
34	fingerprinting device, when a person convicted of an offense	
35	is received by the department of correction; and	
36	(2) an abstract of judgment received by the department of	
37	correction that relates to the fingerprints described in	
38	subdivision (1).	
39	SECTION 3. IC 11-8-2-12.4, AS ADDED BY P.L.173-2006,	
40	SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
41	JULY 1, 2007]: Sec. 12.4. The department shall do the following:	
42	(1) Maintain the Indiana sex offender registry established under	



1	IC 36-2-13-5.5. The department shall ensure that a sex	
2	offender's Social Security number remains unavailable to the	
3	public.	
4	(2) Prescribe and approve a format for sex offender registration as	
5	required by IC 11-8-8.	
6	(3) Provide:	
7	(A) judges;	
8	(B) law enforcement officials;	
9	(C) prosecuting attorneys;	
10	(D) parole officers;	
11	(E) probation officers; and	
12	(F) community corrections officials;	
13	with information and training concerning the requirements of	
14	IC 11-8-8 and the use of the Indiana sex offender registry.	
15	(4) Upon request of a neighborhood association:	
16	(A) transmit to the neighborhood association information	
17	concerning sex offenders who reside near the location of the	U
18	neighborhood association; or	
19	(B) provide instructional materials concerning the use of the	
20	Indiana sex offender registry to the neighborhood association.	
21	(5) Maintain records on every sex offender who:	
22	(A) is incarcerated;	
23	(B) has relocated out of state; and	
24	(C) is no longer required to register due to the expiration	_
25	of the sex offender's registration period.	
26	SECTION 4. IC 11-8-8-4, AS ADDED BY P.L.173-2006,	
27	SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
28	JULY 1, 2007]: Sec. 4. As used in this chapter, "register" means to	V
29	provide report in person to a local law enforcement authority with	
30	and provide the information required under section 8 of this chapter.	
31	SECTION 5. IC 11-8-8-5, AS ADDED BY P.L.173-2006,	
32	SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
33	JULY 1, 2007]: Sec. 5. (a) As used in this chapter, "sex offender"	
34	means a person convicted of any of the following offenses:	
35	(1) Rape (IC 35-42-4-1).	
36	(2) Criminal deviate conduct (IC 35-42-4-2).	
37	(3) Child molesting (IC 35-42-4-3).	
38	(4) Child exploitation (IC 35-42-4-4(b)).	
39	(5) Vicarious sexual gratification (including performing sexual	
40	conduct in the presence of a minor) (IC 35-42-4-5).	
41	(6) Child solicitation (IC 35-42-4-6).	
42	(7) Child seduction (IC 35-42-4-7).	



1	(8) Sexual misconduct with a minor as a Class A, Class B, or	
2	Class C felony (IC 35-42-4-9), unless:	
3	(A) the person is convicted of sexual misconduct with a	
4	minor as a Class C felony;	
5	(B) the person is not more than four (4) years older than	
6	the victim; and	
7	(C) the sentencing court finds that the person should not be	
8	required to register as a sex offender.	
9	(9) Incest (IC 35-46-1-3).	
10	(10) Sexual battery (IC 35-42-4-8).	1
11	(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen	
12	(18) years of age, and the person who kidnapped the victim is	,
13	not the victim's parent or guardian.	
14	(12) Criminal confinement (IC 35-42-3-3), if the victim is less	
15	than eighteen (18) years of age, and the person who confined or	
16	removed the victim is not the victim's parent or guardian.	4
17	(13) Possession of child pornography (IC 35-42-4-4(c)). if the	
18	person has a prior unrelated conviction for possession of child	
19	pornography (IC 35-42-4-4(c)).	
20	(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.	
21	(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if	
22	the victim is less than eighteen (18) years of age.	
23	(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).	
24	(17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is	
25	less than eighteen (18) years of age.	
26	(14) (18) An attempt or conspiracy to commit a crime listed in	
27	subdivisions (1) through (13). (17).	1
28	(15) (19) A crime under the laws of another jurisdiction,	Ì
29	including a military court, that is substantially equivalent to any	
30	of the offenses listed in subdivisions (1) through (14). (18).	
31	(b) The term includes:	
32	(1) a person who is required to register as a sex offender in any	
33	jurisdiction; and	
34	(2) a child who has committed a delinquent act and who:	
35	(A) is at least fourteen (14) years of age;	
36	(B) is on probation, is on parole, is discharged from a facility	
37	by the department of correction, is discharged from a secure	
38	private facility (as defined in IC 31-9-2-115), or is discharged	
39	from a juvenile detention facility as a result of an adjudication	
40	as a delinquent child for an act that would be an offense	
41	described in subsection (a) if committed by an adult; and	
42	(C) is found by a court by clear and convincing evidence to be	



1	likely to repeat an act that would be an offense described in
2	subsection (a) if committed by an adult.
3	(c) In making a determination under subsection (b)(2)(C), the
4	court shall consider expert testimony concerning whether a child
5	is likely to repeat an act that would be an offense described in
6	subsection (a) if committed by an adult.
7	SECTION 6. IC 11-8-8-5.2 IS ADDED TO THE INDIANA CODE
8	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9	1, 2007]: Sec. 5.2. As used in this chapter, "sex offense" means an
10	offense listed in section 5(a) of this chapter.
11	SECTION 7. IC 11-8-8-7, AS ADDED BY P.L.173-2006,
12	SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13	JULY 1, 2007]: Sec. 7. (a) Subject to section 19 of this chapter, the
14	following persons must register under this chapter:
15	(1) A sex offender who resides in Indiana. A sex offender resides
16	in Indiana if either of the following applies:
17	(A) The sex offender spends or intends to spend at least seven
18	(7) days (including part of a day) in Indiana during a one
19	hundred eighty (180) day period.
20	(B) The sex offender owns real property in Indiana and returns
21	to Indiana at any time.
22	(2) A sex offender who works or carries on a vocation or intends
23	to work or carry on a vocation full time or part time for a period:
24	(A) exceeding fourteen (14) seven (7) consecutive days; or
25	(B) for a total period exceeding thirty (30) fourteen (14) days;
26	during any calendar year in Indiana regardless of whether the sex
27	offender is financially compensated, volunteered, or is acting for
28	the purpose of government or educational benefit.
29	(3) A sex offender who is enrolled or intends to be enrolled on a
30	full-time or part-time basis in any public or private educational
31	institution, including any secondary school, trade, or professional
32	institution, or institution of higher education in Indiana.
33	(b) Except as provided in subsection (e), a sex offender who resides
34	in Indiana shall register with the local law enforcement authority in the
35	county where the sex offender resides. If a sex offender resides in more
36	than one (1) county, the sex offender shall register with the local law
37	enforcement authority in each county in which the sex offender resides.
38	If the sex offender is also required to register under subsection (a)(2)
39	or (a)(3), the sex offender shall also register with the local law
40	enforcement authority in the county in which the offender is required
41	to register under subsection (c) or (d).
42	(c) A sex offender described in subsection (a)(2) shall register with



the local law enforcement authority in the county where the sex
offender is or intends to be employed or carry on a vocation. If a sex
offender is or intends to be employed or carry on a vocation in more
than one (1) county, the sex offender shall register with the local law
enforcement authority in each county. If the sex offender is also
required to register under subsection (a)(1) or (a)(3), the sex offender
shall also register with the local law enforcement authority in the
county in which the offender is required to register under subsection
(b) or (d).

- (d) A sex offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex offender is enrolled or intends to be enrolled as a student. If the sex offender is also required to register under subsection (a)(1) or (a)(2), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).
- (e) A sex offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).
- (f) A sex offender committed to the department shall register with the department before the sex offender is released from incarceration. The department shall forward the sex offender's registration information to the local law enforcement authority of every county in which the sex offender is required to register.
- (g) This subsection does not apply to a sex offender who is a sexually violent predator. A sex offender not committed to the department shall register not more than seven (7) days after the sex offender:
 - (1) is released from a penal facility (as defined in IC 35-41-1-21);
 - (2) is released from a secure private facility (as defined in IC 31-9-2-115);
 - (3) is released from a juvenile detention facility;
 - (4) is transferred to a community transition program;
 - (5) is placed on parole;
 - (6) is placed on probation;
 - (7) is placed on home detention; or
- 40 (8) arrives at the place where the sex offender is required to 41 register under subsection (b), (c), or (d);
 - whichever occurs first. A sex offender required to register in more than



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1 2	one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the
3	sex offender's arrival in that county or acquisition of real estate in that
4	county.
5	(h) This subsection applies to a sex offender who is a sexually
6	violent predator. A sex offender who is a sexually violent predator shall
7	register not more than seventy-two (72) hours after the sex offender:
8	(1) is released from a penal facility (as defined in IC 35-41-1-21);
9	(2) is released from a secure private facility (as defined in
10	IC 31-9-2-115);
11	(3) is released from a juvenile detention facility;
12	(4) is transferred to a community transition program;
13	(5) is placed on parole;
14	(6) is placed on probation;
15	(7) is placed on home detention; or
16	(8) arrives at the place where the sexually violent predator is
17	required to register under subsection (b), (c), or (d);
18	whichever occurs first. A sex offender who is a sexually violent
19	predator required to register in more than one (1) county under
20	subsection (b), (c), (d), or (e) shall register in each appropriate county
21	not more than seventy-two (72) hours after the offender's arrival in that
22	county or acquisition of real estate in that county.
23	(i) The local law enforcement authority with whom a sex offender
24	registers under this section shall make and publish a photograph of the
25	sex offender on the Indiana sex offender registry web site established
26	under IC 36-2-13-5.5. The local law enforcement authority shall make
27	a photograph of the sex offender that complies with the requirements
28	of IC 36-2-13-5.5 at least once per year. The sheriff of a county
29	containing a consolidated city shall provide the police chief of the
30	consolidated city with all photographic and computer equipment
31	necessary to enable the police chief of the consolidated city to transmit
32	sex offender photographs (and other identifying information required
33	by IC 36-2-13-5.5) to the Indiana sex offender registry web site
34	established under IC 36-2-13-5.5. In addition, the sheriff of a county
35	containing a consolidated city shall provide all funding for the county's
36	financial obligation for the establishment and maintenance of the
37	Indiana sex offender registry web site established under
38	IC 36-2-13-5.5.

(j) When a sex offender registers, the local law enforcement authority shall:

(1) immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5; and



1	(2) notify every law enforcement agency having jurisdiction in the
2	county where the sex offender resides; and
3	(3) update the National Crime Information Center National
4	Sex Offender Registry data base via the Indiana data and
5	communications system (IDACS).
6	The local law enforcement authority shall provide the department and
7	a law enforcement agency described in subdivision (2) with the
8	information provided by the sex offender during registration. When a
9	sex offender from a jurisdiction outside Indiana registers a change
10	of address, employment, vocation, or enrollment in Indiana, the
11	local law enforcement authority shall provide the department with
12	the information provided by the sex offender during registration.
13	SECTION 8. IC 11-8-8-8, AS ADDED BY P.L.173-2006,
14	SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15	JULY 1, 2007]: Sec. 8. The registration required under this chapter
16	must include the following information:
17	(1) The sex offender's full name, alias, any name by which the sex
18	offender was previously known, date of birth, sex, race, height,
19	weight, hair color, eye color, any scars, marks, or tattoos, Social
20	Security number, driver's license number or state identification
21	card number, vehicle description and vehicle plate number for
22	any vehicle the offender owns or operates on a regular basis,
22 23	any vehicle the offender owns or operates on a regular basis, principal residence address, other address where the sex
23	principal residence address, other address where the sex
23 24	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14)
23 24 25	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex
23 24 25 26	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address.
23 24 25 26 27	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address. (2) A description of the offense for which the sex offender was
23 24 25 26 27 28	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address. (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the
23 24 25 26 27 28 29	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address. (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable. (3) If the person is required to register under section 7(a)(2) or
23 24 25 26 27 28 29 30	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address. (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.
23 24 25 26 27 28 29 30 31	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address. (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable. (3) If the person is required to register under section 7(a)(2) or
23 24 25 26 27 28 29 30 31 32	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address. (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable. (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex
23 24 25 26 27 28 29 30 31 32 33	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address. (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable. (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each
23 24 25 26 27 28 29 30 31 32 33 34	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address. (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable. (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in
23 24 25 26 27 28 29 30 31 32 33 34 35	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address. (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable. (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends
23 24 25 26 27 28 29 30 31 32 33 34 35 36	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address. (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable. (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends to stay while in Indiana.
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address. (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable. (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends to stay while in Indiana. (4) A recent photograph of the sex offender.
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address. (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable. (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends to stay while in Indiana. (4) A recent photograph of the sex offender. (5) If the sex offender is a sexually violent predator, that the sex offender is a sexually violent predator.
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38	principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address. (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable. (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends to stay while in Indiana. (4) A recent photograph of the sex offender. (5) If the sex offender is a sexually violent predator, that the sex offender is a sexually violent predator.



1	SECTION 9. IC 11-8-8-9, AS ADDED BY P.L.173-2006,
2	SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3	JULY 1, 2007]: Sec. 9. (a) Not more than seven (7) days before an
4	Indiana sex offender who is required to register under this chapter is
5	scheduled to be released from a secure private facility (as defined in
6	IC 31-9-2-115), or released from a juvenile detention facility, an
7	official of the facility shall do the following:
8	(1) Orally inform the sex offender of the sex offender's duty to
9	register under this chapter and require the sex offender to sign a
10	written statement that the sex offender was orally informed or, if
11	the sex offender refuses to sign the statement, certify that the sex
12	offender was orally informed of the duty to register.
13	(2) Deliver a form advising the sex offender of the sex offender's
14	duty to register under this chapter and require the sex offender to
15	sign a written statement that the sex offender received the written
16	notice or, if the sex offender refuses to sign the statement, certify
17	that the sex offender was given the written notice of the duty to
18	register.
19	(3) Obtain the address where the sex offender expects to reside
20	after the sex offender's release.
21	(4) Transmit to the local law enforcement authority in the county
22	where the sex offender expects to reside the sex offender's name,
23	date of release or transfer, new address, and the offense or
24	delinquent act committed by the sex offender.
25	(b) Not more than seventy-two (72) hours after a sex offender who
26	is required to register under this chapter is released or transferred as
27	described in subsection (a), an official of the facility shall transmit to
28	the state police the following:
29	(1) The sex offender's fingerprints, photograph, and identification
30	factors.
31	(2) The address where the sex offender expects to reside after the
32	sex offender's release.
33	(3) The complete criminal history data (as defined in
34	IC 10-13-3-5) or, if the sex offender committed a delinquent act,
35	juvenile history data (as defined in IC 10-13-4-4) of the sex
36	offender.
37	(4) Information regarding the sex offender's past treatment for
38	mental disorders.
39	(5) Information as to whether the sex offender has been
40	determined to be a sexually violent predator.

(c) This subsection applies if a sex offender is placed on probation

or in a community corrections program without being confined in a



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penal facility. The probation office serving the court in which the sex
offender is sentenced shall perform the duties required under
subsections (a) and (b).
(d) For any sex offender who is not committed to the
department, the probation office of the sentencing court shall
transmit to the department a copy of the offender's:

(1) sentencing order;

- (2) presentence investigation; and
- (3) any other information required by the department to make a determination concerning sex offender registration.

SECTION 10. IC 11-8-8-11, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) If a sex offender who is required to register under this chapter changes:

- (1) principal residence address; or
- (2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex offender stays in Indiana;

the sex offender shall register not more than seventy-two (72) hours after the address change with the local law enforcement authority with whom the sex offender last registered. report in person to the local law enforcement authority having jurisdiction over the offender's current principal address or location and, if the offender moves to a new county in Indiana, to the local law enforcement authority having jurisdiction over the offender's new principal address or location not more than seventy-two (72) hours after the address change.

- (b) If a sex offender moves to a new county in Indiana, the local law enforcement authority referred to in subsection (a) where the sex offender's current principal residence address is located shall inform the local law enforcement authority in the new county in Indiana of the sex offender's residence and forward all relevant registration information concerning the sex offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex offender under section 13 of this chapter not more than seven (7) days after receiving the notice.
- (c) If a sex offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex offender's principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school, the sex offender shall register not more than seventy-two (72) hours after the change with the local law enforcement authority with whom the sex offender last registered.

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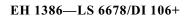
1	report in person:
2	(1) to the local law enforcement authority having jurisdiction
3	over the offender's current principal place of employment,
4	principal place of vocation, or campus or location where the
5	sex offender is enrolled in school; and
6	(2) if a sex offender changes the sex offender's place of
7	employment, vocation, or enrollment to a new county in
8	Indiana, to the local law enforcement authority having
9	jurisdiction over the offender's new principal place of
10	employment, principal place of vocation, or campus or
11	location where the sex offender is enrolled in school;
12	not more than seventy-two (72) hours after the change.
13	(d) If a sex offender moves the sex offender's place of employment,
14	vocation, or enrollment to a new county in Indiana, the local law
15	enforcement authority referred to in subsection (c) having jurisdiction
16	over the offender's current principal place of employment,
17	principal place of vocation, or campus or location where the sex
18	offender is enrolled in school shall inform the local law enforcement
19	authority in the new county of the sex offender's new principal place of
20	employment, vocation, or enrollment by forwarding relevant
21	registration information to the local law enforcement authority in the
22	new county.
23	(e) If a sex offender moves the sex offender's residence, place of
24	employment, vocation, or enrollment to a new state, the local law
25	enforcement authority shall inform the state police in the new state of
26	the sex offender's new place of residence, employment, vocation, or
27	enrollment.
28	(f) A local law enforcement authority shall make registration
29	information, including information concerning the duty to register and
30	the penalty for failing to register, available to a sex offender.
31	(g) A local law enforcement authority who is notified of a change
32	under subsection (a) or (c) shall:
33	(1) immediately update the Indiana sex offender registry web site
34	established under IC 36-2-13-5.5;
35	(2) update the National Crime Information Center National
36	Sex Offender Registry data base via the Indiana data and
37	communications system (IDACS); and
38	(3) notify the department.
39	(h) If a sex offender who is registered with a local law
40	enforcement authority becomes incarcerated, the local law
41	enforcement authority shall transmit a copy of the information
42	provided by the sex offender during registration to the department.



1	(i) If a sex offender is no longer required to register due to the
2	expiration of the registration period, the local law enforcement
3	authority shall transmit a copy of the information provided by the
4	sex offender during registration to the department.
5	SECTION 11. IC 11-8-8-12, AS ADDED BY P.L.173-2006,
6	SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7	JULY 1, 2007]: Sec. 12. (a) As used in this section, "temporary
8	residence" means a residence:
9	(1) that is established to provide transitional housing for a person
10	without another residence; and
11	(2) in which a person is not typically permitted to reside for more
12	than thirty (30) days in a sixty (60) day period.
13	(b) This section applies only to a sex offender who resides in a
14	temporary residence. In addition to the other requirements of this
15	chapter, a sex offender who resides in a temporary residence shall
16	register in person with the local law enforcement authority in which the
17	temporary residence is located:
18	(1) not more than seventy-two (72) hours after the sex offender
19	moves into the temporary residence; and
20	(2) during the period in which the sex offender resides in a
21	temporary residence, at least once every seven (7) days following
22	the sex offender's initial registration under subdivision (1).
23	(c) A sex offender who does not have a principal residence or
24	temporary residence shall report in person to the local law
25	enforcement authority in the county where the sex offender resides
26	at least once every seven (7) days to report an address for the
27	location where the sex offender will stay during the time in which
28	the sex offender lacks a principal address or temporary residence.
29	(c) (d) A sex offender's obligation to register in person once every
30	seven (7) days terminates when the sex offender no longer resides in
31	the temporary residence or location described in subsection (c).
32	However, all other requirements imposed on a sex offender by this
33	chapter continue in force, including the requirement that a sex offender
34	register the sex offender's new address with the local law enforcement
35	authority.
36	SECTION 12. IC 11-8-8-13, AS ADDED BY P.L.173-2006,
37	SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38	JULY 1, 2007]: Sec. 13. (a) To verify a sex offender's current
39	residence, the local law enforcement authority having jurisdiction
40	over the area of the offender's current principal address or
41	location shall do the following:

(1) Mail a reply form that is approved or prescribed by the







1	department to each sex offender in the county at the sex	
2	offender's listed address at least one (1) time per year, beginning	
3	seven (7) days after the local law enforcement authority receives	
4	a notice under section 11 or 20 of this chapter or the date the sex	
5	offender is:	
6	(A) released from a penal facility (as defined in	
7	IC 35-41-1-21), a secure private facility (as defined in	
8	IC 31-9-2-115), or a juvenile detention facility;	
9	(B) placed in a community transition program;	
10	(C) placed in a community corrections program;	
11	(D) placed on parole; or	
12	(E) placed on probation;	
13	whichever occurs first.	
14	(2) Mail a reply form that is approved or prescribed by the	
15	department to each sex offender who is designated a sexually	
16	violent predator under IC 35-38-1-7.5 at least once every ninety	
17	(90) days, beginning seven (7) days after the local law	
18	enforcement authority receives a notice under section 11 or 20 of	
19	this chapter or the date the sex offender is:	
20	(A) released from a penal facility (as defined in	
21	IC 35-41-1-21), a secure private facility (as defined in	
22	IC 31-9-2-115), or a juvenile detention facility;	
23	(B) placed in a community transition program;	
24	(C) placed in a community corrections program;	
25	(D) placed on parole; or	
26	(E) placed on probation;	
27	whichever occurs first.	
28	(3) Personally visit each sex offender in the county at the sex	W
29	offender's listed address at least one (1) time per year, beginning	
30	seven (7) days after the local law enforcement authority receives	
31	a notice under section 7 of this chapter or the date the sex	
32	offender is:	
33	(A) released from a penal facility (as defined in	
34	IC 35-41-1-21), a secure private facility (as defined in	
35	IC 31-9-2-115), or a juvenile detention facility;	
36	(B) placed in a community transition program;	
37	(C) placed in a community corrections program;	
38	(D) placed on parole; or	
39	(E) placed on probation;	
40	whichever occurs first.	
41	(4) Personally visit each sex offender who is designated a sexually	
42	violent predator under IC 35-38-1-7.5 at least once every ninety	



1	(90) days, beginning seven (7) days after the local law	
2	enforcement authority receives a notice under section 7 of this	
3	chapter or the date the sex offender is:	
4	(A) released from a penal facility (as defined in	
5	IC 35-41-1-21), a secure private facility (as defined in	
6	IC 31-9-2-115), or a juvenile detention facility;	
7	(B) placed in a community transition program;	
8	(C) placed in a community corrections program;	
9	(D) placed on parole; or	
10	(E) placed on probation;	1
11	whichever occurs first.	1
12	(b) If a sex offender fails to return a signed reply form either by mail	
13	or in person, not later than fourteen (14) days after mailing, or appears	
14	not to reside at the listed address, the local law enforcement authority	
15	shall immediately notify the department and the prosecuting attorney.	
16	SECTION 13. IC 11-8-8-14, AS ADDED BY P.L.173-2006,	1
17	SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	1
18	JULY 1, 2007]: Sec. 14. (a) This subsection does not apply to a sex	
19	offender who is a sexually violent predator. In addition to the other	
20	requirements of this chapter, At least once per calendar year, a sex	
21	offender who is required to register under this chapter shall, at least	
22	one (1) time per calendar year:	
23	(1) report in person to the local law enforcement authority;	
24	(2) register; and	
25	(3) be photographed by the local law enforcement authority;	
26	in each location where the offender is required to register.	
27	(b) This subsection applies to a sex offender who is a sexually	1
28	violent predator. In addition to the other requirements of this	,
29	chapter, a sex offender who is a sexually violent predator under	
30	IC 35-38-1-7.5 shall:	
31	(1) report in person to the local law enforcement authority;	
32	(2) register; and	
33	(3) be photographed by the local law enforcement authority	
34	in each location where the offender is required to register;	
35	every ninety (90) days.	
36	(c) Each time a sex offender who claims to be working or	
37	attending school registers in person, the sex offender shall provide	
38	documentation to the local law enforcement authority providing	
39	evidence that the sex offender is still working or attending school	
40	at the registered location.	
41	SECTION 14. IC 11-8-8-17, AS ADDED BY P.L.173-2006,	
42	SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	



1										
1	JULY 1, 2007]: Sec. 17. (a) A sex offender who knowingly or									
2	intentionally:									
3	(1) fails to register when required to register under this chapter;									
4	(2) fails to register in every location where the sex offender is									
5	required to register under this chapter; (3) makes a material misstatement or amission while registering									
6	(3) makes a material misstatement or omission while registering									
7	as a sex offender under this chapter; or									
8	(4) fails to register in person and be photographed at least one (1)									
9	time per year as required under this chapter; or									
10	(5) does not reside at the sex offender's registered address or									
11	location;									
12	commits a Class D felony.									
13	(b) However, The offense described in subsection (a) is a Class C									
14	felony if the sex offender has a prior unrelated conviction for an									
15	offense:									
16	(1) under this section; or									
17	(2) based on the person's failure to comply with any requirement									
18	imposed on a sex offender under this chapter.									
19	(c) It is not a defense to a prosecution under this section that the									
20	sex offender was unable to pay the sex offender registration fee or									
21	the sex offender address change fee described under									
22	IC 36-2-13-5.6.									
22 23	IC 36-2-13-5.6. SECTION 15. IC 11-8-8-18, AS ADDED BY P.L.173-2006,									
22 23 24	IC 36-2-13-5.6. SECTION 15. IC 11-8-8-18, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE									
22 23 24 25	IC 36-2-13-5.6. SECTION 15. IC 11-8-8-18, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) A sexually violent predator who will be									
22 23 24 25 26	IC 36-2-13-5.6. SECTION 15. IC 11-8-8-18, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more									
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22 23 24 25 26 27 28 29 30 31	IC 36-2-13-5.6. SECTION 15. IC 11-8-8-18, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority in the county where the sexually violent predator's principal address is located, in person, or in writing, of the following: (1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than									
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22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38	SECTION 15. IC 11-8-8-18, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority in the county where the sexually violent predator's principal address is located, in person, or in writing, of the following: (1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours. (2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence. (3) The length of time the sexually violent predator will be absent from the sexually violent predator's principal residence. (b) A sexually violent predator who will spend more than									
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predator is not required to register, in person, or in writing, of the



1	following:
2	(1) That the sexually violent predator will spend more than
3	seventy-two (72) hours in the county.
4	(2) The location where the sexually violent predator will be
5	located while spending time in the county.
6	(3) The length of time the sexually violent predator will remain in
7	the county.
8	Upon request of the local law enforcement authority of the county in
9	which the sexually violent predator is not required to register, the
10	sexually violent predator shall provide the local law enforcement
11	authority with any additional information that will assist the local law
12	enforcement authority in determining the sexually violent predator's
13	whereabouts during the sexually violent predator's stay in the county.
14	(c) A sexually violent predator who knowingly or intentionally
15	violates this section commits failure to notify, a Class A misdemeanor.
16	However, the offense is a Class D felony if the person has a prior
17	unrelated conviction under this section based on the person's failure to
18	comply with any requirement imposed on a sex offender under this
19	chapter.
20	SECTION 16. IC 11-8-8-19, AS ADDED BY P.L.173-2006,
21	SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22	JULY 1, 2007]: Sec. 19. (a) Except as provided in subsections (b)
23	through (e), a sex offender is required to register under this chapter
24	until the expiration of ten (10) years after the date the sex offender:
25	(1) is released from a penal facility (as defined in IC 35-41-1-21)
26	or a secure juvenile detention facility of a state or another
27	jurisdiction;
28	(2) is placed in a community transition program;
29	(3) is placed in a community corrections program;
30	(4) is placed on parole; or
31	(5) is placed on probation;
32	whichever occurs last. The department shall ensure that an offender
33	who is no longer required to register as a sex offender is notified that
34	the obligation to register has expired.
35	(b) A sex offender who is a sexually violent predator is required to
36	register for life.
37	(c) A sex offender who is convicted of at least one (1) sex offense
38	that the sex offender committed:
39	(1) when the person was at least eighteen (18) years of age; and
40	(2) against a victim who was less than twelve (12) years of age at
41	the time of the crime;
42	is required to register for life.



1	(d) A sex offender who is convicted of at least one (1) sex offense	
2	in which the sex offender:	
3	(1) proximately caused serious bodily injury or death to the	
4	victim;	
5	(2) used force or the threat of force against the victim or a	
6	member of the victim's family, unless the offense is sexual	
7	battery as a Class D felony; or	
8	(3) rendered the victim unconscious or otherwise incapable of	
9	giving voluntary consent;	
10	is required to register for life.	1
11	(e) A sex offender who is convicted of at least two (2) unrelated sex	
12	offenses is required to register for life.	
13	(f) A person who is required to register as a sex offender in any	
14	jurisdiction shall register for the period of time required by the	
15	other jurisdiction or the length of time described in this section,	
16	whichever is longer.	1
17	SECTION 17. IC 11-8-8-20, AS ADDED BY P.L.173-2006,	•
18	SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
19	JULY 1, 2007]: Sec. 20. (a) The governor department may enter into	
20	a compact or agreement with one (1) or more jurisdictions outside	
21	Indiana to exchange notifications concerning the release, transfer, or	
22	change of address, employment, vocation, or enrollment of a sex	
23	offender between Indiana and the other jurisdiction or the other	
24	jurisdiction and Indiana.	
25	(b) The compact must provide for the designation of a state agency	
26	to coordinate the transfer of information.	
27	(c) (b) If the state agency department receives information that a	1
28	sex offender has relocated to Indiana to reside, engage in employment	
29	or a vocation, or enroll in school, or that a sex offender has been	
30	convicted in Indiana but not sentenced to the department, the state	
31	agency department shall inform in writing the local law enforcement	
32	authority where the sex offender is required to register in Indiana of:	
33	determine:	
34	(1) the sex offender's name, date of relocation, and new address;	
35	and	
36	(2) the sex offense or delinquent act committed by the sex	
37	offender.	
38	(1) whether the person is defined as a sex offender under	
39 40	IC 11-8-8-5; (2) whether the person is a sexually violent product under	
40 41	(2) whether the person is a sexually violent predator under	
41 42	IC 35-38-1-7.5; (3) the period of time the person will be required to register	



1	as a sex offender in Indiana; and	
2	(4) any other matter required by law to make a registration	
3	determination.	
4	(c) After the department has made a determination under	
5	subsection (b), the department shall update the sex offender	
6	registry web site and transmit the department's finding to the local	
7	law enforcement authority having jurisdiction over the county	
8	where the sex offender resides, is employed, and attends school.	
9	The department shall transmit:	
10	(1) the sex offender's name, date of relocation, new address (if	4
11	applicable), the offense or delinquent act committed by the sex	
12	offender, and any other available descriptive information;	
13	(2) whether the sex offender is a sexually violent predator;	
14	(3) the period of time the sex offender will be required to	
15	register in Indiana; and	
16	(4) anything else required by law to make a registration	4
17	determination.	
18	(d) The state agency shall determine, following a hearing:	
19	(1) whether a person convicted of an offense in another	
20	jurisdiction is required to register as a sex offender in Indiana;	
21	(2) whether an out of state sex offender is a sexually violent	
22	predator; and	
23	(3) the period in which an out of state sex offender who has	
24	moved to Indiana will be required to register as a sex offender in	
25	Indiana.	
26	SECTION 18. IC 11-8-8-21 IS ADDED TO THE INDIANA CODE	
27	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY	
28	1, 2007]: Sec. 21. (a) The state sex offender administration fund is	
29	established to assist the department in carrying out its duties under	
30	IC 11-8-2-12.4 concerning the Indiana sex offender registry. The	
31	fund shall be administered by the department.	
32	(b) The expenses of administering the fund shall be paid from	
33	money in the fund.	
34	(c) The fund consists of:	
35	(1) grants;	
36	(2) donations;	
37	(3) appropriations;	
38	(4) money from the annual sex offender registration fee	
39	(IC 36-2-13-5.6(a)(1)(A)); and	
40	(5) money from the sex offender address change fee	
41	(IC $36-2-13-5.6(a)(1)(B)$).	
12	(d) The treesurer of state shall invest the money in the fund not	



1	currently needed to meet the obligations of the fund in the same
2	manner as other public money may be invested.
3	(e) Money in the fund is continually appropriated to carry out
4	the purposes of the fund.
5	SECTION 19. IC 11-13-3-4, AS AMENDED BY P.L.60-2006,
6	SECTION 1, AS AMENDED BY P.L.139-2006, SECTION 2, AND
7	AS AMENDED BY P.L.140-2006, SECTION 15, AND P.L.173-2006,
8	SECTION 15, IS CORRECTED AND AMENDED TO READ AS
9	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A condition
10	to remaining on parole is that the parolee not commit a crime during
11	the period of parole.
12	(b) The parole board may also adopt, under IC 4-22-2, additional
13	conditions to remaining on parole and require a parolee to satisfy one
14	(1) or more of these conditions. These conditions must be reasonably
15	related to the parolee's successful reintegration into the community and
16	not unduly restrictive of a fundamental right.
17	(c) If a person is released on parole, the parolee shall be given a
18	written statement of the conditions of parole. Signed copies of this
19	statement shall be:
20	(1) retained by the parolee;
21	(2) forwarded to any person charged with the parolee's
22	supervision; and
23	(3) placed in the parolee's master file.
24	(d) The parole board may modify parole conditions if the parolee
25	receives notice of that action and had ten (10) days after receipt of the
26	notice to express the parolee's views on the proposed modification.
27	This subsection does not apply to modification of parole conditions
28	after a revocation proceeding under section 10 of this chapter.
29	(e) As a condition of parole, the parole board may require the
30	parolee to reside in a particular parole area. In determining a parolee's
31	residence requirement, the parole board shall:
32	(1) consider:
33	(A) the residence of the parolee prior to the parolee's
34	incarceration; and
35	(B) the parolee's place of employment; and
36	(2) assign the parolee to reside in the county where the parolee
37	resided prior to the parolee's incarceration unless assignment on
38	this basis would be detrimental to the parolee's successful
39	reintegration into the community.
40	(f) As a condition of parole, the parole board may require the
41	parolee to:

(1) periodically undergo a laboratory chemical test (as defined in



1	IC 14-15-8-1) or series of tests to detect and confirm the presence
2	of a controlled substance (as defined in IC 35-48-1-9); and
3	(2) have the results of any test under this subsection reported to
4	the parole board by the laboratory.
5	The parolee is responsible for any charges resulting from a test
6	required under this subsection. However, a person's parole may not be
7	revoked on the basis of the person's inability to pay for a test under this
8	subsection.
9	(g) As a condition of parole, the parole board:
10	(1) may require a parolee who is a sex and violent offender (as
11	defined in IC 5-2-12-4) IC 11-8-8-5) to:
12	(A) participate in a treatment program for sex offenders
13	approved by the parole board; and
14	(B) avoid contact with any person who is less than sixteen (16)
15	years of age unless the parolee:
16	(i) receives the parole board's approval; or
17	(ii) successfully completes the treatment program referred to
18	in clause (A); and
19	(2) shall:
20	(A) require a parolee who is an a sex offender (as defined in
21	IC 5-2-12-4) IC 11-8-8-5) to register with a sheriff (or the
22	police chief of a consolidated city) local law enforcement
23	authority under IC 5-2-12-5; IC 11-8-8;
24	(B) prohibit the sex offender from residing within one
25	thousand (1,000) feet of school property (as defined in
26	IC 35-41-1-24.7) for the period of parole, unless the sex
27	offender obtains written approval from the parole board; and
28	(C) prohibit a parolee who is an a sex offender convicted of a
29	sex offense (as defined in IC 35-38-2-2.5) from residing within
30	one (1) mile of the victim of the sex offender's sex offense
31	unless the sex offender obtains a waiver under IC 35-38-2-2.5;
32	and
33	(D) prohibit a parolee from owning, operating, managing,
34	being employed by, or volunteering at any attraction designed
35	to be primarily enjoyed by children less than sixteen (16)
36	years of age.
37	The parole board may not grant a sexually violent predator (as defined
38	in IC 35-38-1-7.5) or a sex offender who is an offender against
39	children under IC 35-42-4-11 a waiver under subdivision (2)(B) or
40	(2)(C). If the parole board allows the sex offender to reside within one
41	thousand (1,000) feet of school property under subdivision (2)(B), the
42	parole board shall notify each school within one thousand (1,000) feet



1	of the sex offender's residence of the order.
2	(h) The address of the victim of a parolee who is an a sex offender
3	convicted of a sex offense (as defined in IC 35-38-2-2.5) is
4	confidential, even if the sex offender obtains a waiver under
5	IC 35-38-2-2.5.
6	(i) As a condition of parole, the parole board may require a parolee
7	to participate in a reentry court program.
8	$\overline{(i)}$ (j) As a condition of parole, the parole board:
9	(1) shall require a parolee who is a sexually violent predator
10	under IC 35-38-1-7.5; and
11	(2) may require a parolee who is a sex offender (as defined in
12	IC 5-2-12-4); IC 11-8-8-5);
13	to wear a monitoring device (as described in IC 35-38-2.5-3) that can
14	transmit information twenty-four (24) hours each day regarding a
15	person's precise location.
16	(i) (k) As a condition of parole, the parole board may prohibit, in
17	accordance with IC 35-38-2-2.5, IC 35-38-2-2.6, a parolee who has
18	been convicted of stalking from residing within one thousand (1,000)
19	feet of the residence of the victim of the stalking for a period that does
20	not exceed five (5) years.
21	SECTION 20. IC 11-13-4.5-4 IS AMENDED TO READ AS
22	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Except as
23	provided in subsection (b), an Indiana offender on probation or parole
24	who applies to be transferred out of state under the interstate compact
25	for adult supervision shall pay an application fee of seventy-five dollars
26	(\$75). The application fee shall be used to cover the costs of
27	administering the interstate compact for adult offender supervision.
28	(b) An offender who has been found indigent by a trial court at the
29	time the offender applies to be transferred out of state under the
30	interstate compact for adult supervision may, at the court's discretion,
31	be required to pay a lesser amount of the cost of the application fee
32	under subsection (a).
33	(c) An Indiana offender who is on probation shall pay the
34	application fee to the county probation department.
35	(d) An Indiana offender who is on parole shall pay the application
36	fee to the department of correction.
37	(e) The application fee paid by an Indiana offender who is on
38	probation shall be transferred to the county treasurer. The county
39	treasurer shall deposit fifty percent (50%) of the money collected under
40	this subsection into the county supplemental adult probation services
41	fund and shall transmit the remaining fifty percent (50%) of the money

collected under this subsection to the Indiana judicial center for deposit



1	in the general fund, to be used to cover the cost of administering the
2	interstate compact for adult offender supervision.
3	(f) The executive director of the Indiana judicial center shall submit
4	a proposed budget for expenditure of the money deposited in the
5	general fund under this section to the budget agency in accordance with
6	IC 4-12-1.
7	(g) The application fee paid by an Indiana offender who is on parole
8	shall be deposited into the general fund to be used to cover the cost of
9	administering the interstate compact for adult offender supervision.
.0	(h) The commissioner of the department of correction shall submit
1	a proposed budget for expenditure of the money deposited in the
.2	general fund under this section to the budget agency in accordance with
.3	IC 4-12-1.
4	(i) The judicial center and the department of correction shall
.5	develop a process to ensure that a sex offender who transfers to or
.6	out of Indiana under the compact will be registered appropriately.
.7	SECTION 21. IC 34-30-2-149.5 IS ADDED TO THE INDIANA
8	CODE AS A NEW SECTION TO READ AS FOLLOWS
9	[EFFECTIVE JULY 1, 2007]: Sec. 149.5. IC 35-38-1-28(d)
20	(Concerning a clerk, court, law enforcement officer, or prosecuting
21	attorney for an error or omission in the transportation of
22	fingerprints, case history data, or sentencing data.)
23	SECTION 22. IC 35-38-1-7.5, AS AMENDED BY P.L.173-2006,
24	SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25	UPON PASSAGE]: Sec. 7.5. (a) As used in this section, "sexually
26	violent predator" means a person who suffers from a mental
27	abnormality or personality disorder that makes the individual likely to
28	repeatedly engage in any of the offenses described in IC 11-8-8-5. The
29	term includes a person convicted in another jurisdiction who is
0	identified as a sexually violent predator under IC 11-8-8-20. The term
1	does not include a person no longer considered a sexually violent
32	predator under subsection (g).
33	(b) A person who:
34	(1) being at least eighteen (18) years of age, commits an offense
55	described in:
66	(A) IC 35-42-4-1;
37	(B) IC 35-42-4-2;
8	(C) IC 35-42-4-3 as a Class A or Class B felony;
9	(D) IC 35-42-4-5(a)(1);
10	(E) IC 35-42-4-5(a)(2);
1	(F) IC 35-42-4-5(a)(3);
	(G) IC 35 A2 A 5(b)(1) as a Class A or Class B falony:



1	(H) IC 35-42-4-5(b)(2); or
2	(I) IC 35-42-4-5(b)(3) as a Class A or Class B felony; or
3	(J) an attempt or conspiracy to commit a crime listed in
4	clauses (A) through (I); or
5	(K) a crime under the laws of another jurisdiction,
6	including a military court, that is substantially equivalent
7	to any of the offenses listed in clauses (A) through (J);
8	(2) commits an offense described in IC 11-8-8-5 while having a
9	previous unrelated conviction for an offense described in
10	IC 11-8-8-5 for which the person is required to register as an
11	offender under IC 11-8-8;
12	(3) commits an offense described in IC 11-8-8-5 while having
13	had a previous unrelated adjudication as a delinquent child
14	for an act that would be an offense described in IC 11-8-8-5 if
15	committed by an adult, if, after considering expert testimony,
16	a court finds by clear and convincing evidence that the person
17	is likely to repeat an act described in this subsection; or
18	(4) commits an offense described in IC 11-8-8-5 while having
19	had a previous unrelated adjudication as a delinquent child
20	for an act that would be an offense described in IC 11-8-8-5 if
21	committed by an adult, if the person was required to register
22	as a sex offender under IC 11-8-8-5(b)(2);
23	is a sexually violent predator. Except as provided in subsections (g)
24	or (h), a person is a sexually violent predator by operation of law
25	if an offense committed by the person satisfies the conditions set
26	forth in subdivision (1) or (2), regardless of when the person
27	committed the offense.
28	(c) This section applies whenever a court sentences a person or a
29	juvenile court issues a dispositional decree for a sex offense listed in
30	IC 11-8-8-5 for which the person is required to register with the local
31	law enforcement authority under IC 11-8-8.
32	(d) At the sentencing hearing, the court shall determine indicate on
33	the record whether the person is has been convicted of an offense
34	that makes the person a sexually violent predator under subsection
35	(b).
36	(e) If the court does not find the a person to be is not a sexually
37	violent predator under subsection (b), the prosecuting attorney may
38	request the court to conduct a hearing to determine whether the
39	person (including a child adjudicated to be a delinquent child) is a
40	sexually violent predator under subsection (a). If the court grants

the motion, the court shall consult with a appoint board of experts

consisting of two (2) board certified psychologists or psychiatrists who



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have exp	ertise in	criminal be	ehavioral	disorders	to determ	ine if the
person is	a sexually	violent pre	dator und	er subsect	ion (a). eva	aluate the
person ar	nd testify	at the hear	ing. After	conduct	ing the he	aring and
consideri	ing the	testimony	of the	two (2)	psycholo	ogists or
psychiatı	rists, the	court shal	l determi	ine whetl	her the pe	erson is a
sexually	violent	predator	under s	ubsectio	n (a). A	hearing
conducte	d under	this subs	section m	ay be c	ombined	with the
person's	sentenci	ng hearing	•			

- (f) If the court finds that a person is a sexually violent predator:
 - (1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and
 - (2) the court shall send notice of its finding under this subsection to the department of correction.
- (g) This subsection does not apply to a person who has two (2) or more unrelated convictions for an offense described in IC 11-8-8-5 for which the person is required to register under IC 11-8-8. A person who is found by a court to be a sexually violent predator may petition the court to consider whether the person should no longer be considered a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:
 - (1) the sentencing court or juvenile court makes its finding determination under subsection (e); or
- (2) a person found to be who is a sexually violent predator under subsection (b) is released from incarceration or secure detention. A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if a person should no longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychologists, the court shall determine whether the person should no longer be considered a sexually violent predator under subsection (a). If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.
 - (h) A person is not a sexually violent predator by operation of









1	law under subsection (b)(1) if all of the following conditions are	
2	met:	
3	(1) The victim was not less than twelve (12) years of age at the	
4	time the offense was committed.	
5	(2) The person is not more than four (4) years older than the	
6	victim.	
7	(3) The relationship between the person and the victim was a	
8	dating relationship or an ongoing personal relationship. The	
9	term "ongoing personal relationship" does not include a	
10	family relationship.	
11	(4) The offense committed by the person was not any of the	
12	following:	
13	(A) Rape (IC 35-42-4-1).	
14	(B) Criminal deviate conduct (IC 35-42-4-2).	
15	(C) An offense committed by using or threatening the use	
16	of deadly force or while armed with a deadly weapon.	
17	(D) An offense that results in serious bodily injury.	
18	(E) An offense that is facilitated by furnishing the victim,	
19	without the victim's knowledge, with a drug (as defined in	
20	IC 16-42-19-2(1)) or a controlled substance (as defined in	
21	IC 35-48-1-9) or knowing that the victim was furnished	
22	with the drug or controlled substance without the victim's	
23	knowledge.	
24	(5) The person has not committed another sex offense (as	
25	defined in IC 11-8-8-5.2) (including a delinquent act that	
26	would be a sex offense if committed by an adult) against any	
27	other person.	
28	(6) The offense was not committed by a person having a	
29	position of authority or substantial influence over the victim.	
30	(7) The court finds that the person should not be considered	
31	a sexually violent predator.	
32	SECTION 23. IC 35-38-1-28 IS ADDED TO THE INDIANA	
33	CODE AS A NEW SECTION TO READ AS FOLLOWS	
34	[EFFECTIVE JULY 1, 2007]: Sec. 28. (a) Except as provided in	
35	subsection (c), immediately after sentencing a defendant for an	
36	offense, the court shall order the defendant to be fingerprinted by	
37	an individual qualified to take fingerprints. The fingerprints may	
38	be recorded in any reliable manner, including by the use of a	
39	digital fingerprinting device.	

(b) The court shall order a law enforcement officer to provide

the fingerprints to the prosecuting attorney and the state police

department, in hard copy or in an electronic format approved by



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1	the security and privacy council established by IC 10-13-3-34.
2	(c) The court is not required to order the defendant to be
3	fingerprinted if the defendant was previously arrested and
4	processed at the county jail.
5	(d) A clerk, court, law enforcement officer, or prosecuting
6	attorney is immune from civil liability for an error or omission in
7	the transmission of fingerprints, case history data, or sentencing
8	data, unless the error or omission constitutes willful or wanton
9	misconduct or gross negligence.
10	SECTION 24. IC 35-38-1-29 IS ADDED TO THE INDIANA
11	CODE AS A NEW SECTION TO READ AS FOLLOWS
12	[EFFECTIVE JULY 1, 2007]: Sec. 29. (a) This section applies only
13	to a sexually violent predator, including a person who is a sexually
14	violent predator by operation of law for committing an offense
15	under IC 35-38-1-7.5(b).
16	(b) If a court imposes a sentence on a person described in
17	subsection (a) that does not involve a commitment to the
18	department of correction, the court shall order the parole board to
19	place the person on lifetime parole and supervise the person in the
20	same manner that the parole board supervises a sexually violent
21	predator who has been released from imprisonment and placed on
22	lifetime parole under IC 35-50-6-1(e).
23	(c) If a person described in subsection (b) is also required to be
24	supervised by a court, a probation department, a community
25	corrections program, a community transition program, or another
26	similar program upon the person's release from imprisonment, the
27	parole board may:
28	(1) supervise the person while the person is being supervised
29	by the other supervising agency; or
30	(2) permit the other supervising agency to exercise all or part
31	of the parole board's supervisory responsibility during the
32	period in which the other supervising agency is required to
33	supervise the person;
34	in accordance with IC 35-50-6-1(g).
35	SECTION 25. IC 35-38-2-2.2, AS AMENDED BY P.L.173-2006,
36	SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37	UPON PASSAGE]: Sec. 2.2. As a condition of probation for a sex
38	offender (as defined in IC 11-8-8-5), the court shall:
39	(1) require the sex offender to register with the local law
40	enforcement authority under IC 11-8-8; and
41	(2) prohibit the sex offender from residing within one thousand

(1,000) feet of school property (as defined in IC 35-41-1-24.7) for



1	the period of probation, unless the sex offender obtains written	
2	approval from the court.	
3	If the court allows the sex offender to reside within one thousand	
4	(1,000) feet of school property under subdivision (2), the court shall	
5	notify each school within one thousand (1,000) feet of the sex	
6	offender's residence of the order. However, a court may not allow a	
7	sex offender who is a sexually violent predator (as defined in	
8	IC 35-38-1-7.5) or an offender against children under	
9	IC 35-42-4-11 to reside within one thousand (1,000) feet of school	4
10	property.	4
11	SECTION 26. IC 35-38-2-2.5, AS AMENDED BY P.L.173-2006,	
12	SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	•
13	UPON PASSAGE]: Sec. 2.5. (a) As used in this section, "offender"	
14	means an individual convicted of a sex offense.	
15	(b) As used in this section, "sex offense" means any of the	
16	following:	4
17	(1) Rape (IC 35-42-4-1).	
18	(2) Criminal deviate conduct (IC 35-42-4-2).	
19	(3) Child molesting (IC 35-42-4-3).	
20	(4) Child exploitation (IC 35-42-4-4(b)).	
21	(5) Vicarious sexual gratification (IC 35-42-4-5).	
22	(6) Child solicitation (IC 35-42-4-6).	
23	(7) Child seduction (IC 35-42-4-7).	
24	(8) Sexual battery (IC 35-42-4-8).	
25	(9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).	
26	(10) Incest (IC 35-46-1-3).	
27	(c) A condition of remaining on probation or parole after conviction	
28	for a sex offense is that the offender not reside within one (1) mile of	
29	the residence of the victim of the offender's sex offense.	
30	(d) An offender:	
31	(1) who will be placed on probation shall provide the sentencing	
32	court and the probation department with the address where the	
33	offender intends to reside during the period of probation:	
34	(A) at the time of sentencing if the offender will be placed on	
35	probation without first being incarcerated; or	
36	(B) before the offender's release from incarceration if the	
37	offender will be placed on probation after completing a term	
38	of incarceration; or	
39	(2) who will be placed on parole shall provide the parole board	
40	with the address where the offender intends to reside during the	
41	period of parole.	
42	(e) An offender, while on probation or parole, may not establish a	



1	new residence within one (1) mile of the residence of the victim of the
2	offender's sex offense unless the offender first obtains a waiver from
3	the:
4	(1) court, if the offender is placed on probation; or
5	(2) parole board, if the offender is placed on parole;
6	for the change of address under subsection (f).
7	(f) The court or parole board may waive the requirement set forth in
8	subsection (c) only if the court or parole board, at a hearing at which
9	the offender is present and of which the prosecuting attorney has been
0	notified, determines that:
1	(1) the offender has successfully completed a sex offender
2	treatment program during the period of probation or parole;
3	(2) the offender is in compliance with all terms of the offender's
4	probation or parole; and
5	(3) good cause exists to allow the offender to reside within one (1)
6	mile of the residence of the victim of the offender's sex offense.
7	However, the court or parole board may not grant a waiver under this
8	subsection if the offender is a sexually violent predator under
9	IC 35-38-1-7.5 or if the offender is an offender against children
20	under IC 35-42-4-11.
21	(g) If the court or parole board grants a waiver under subsection (f),
22	the court or parole board shall state in writing the reasons for granting
23	the waiver. The court's written statement of its reasons shall be
24	incorporated into the record.
2.5	(h) The address of the victim of the offender's sex offense is
26	confidential even if the court or parole board grants a waiver under
27	subsection (f).
28	SECTION 27. IC 35-41-1-5.5 IS ADDED TO THE INDIANA
29	CODE AS A NEW SECTION TO READ AS FOLLOWS
0	[EFFECTIVE JULY 1, 2007]: Sec. 5.5. "Credit restricted felon"
51	means a person who has been convicted of at least one (1) of the
32	following offenses:
3	(1) Child molesting involving sexual intercourse or deviate
34	sexual conduct (IC 35-42-4-3(a)), if:
35	(A) the offense is committed by a person at least
-	twenty-one (21) years of age; and
57	(B) the victim is less than twelve (12) years of age.
8	(2) Child molesting (IC 35-42-4-3) resulting in serious bodily
39	injury or death.
10	(3) Murder (IC 35-42-1-1), if:
1	(A) the person killed the victim while committing or
12	attempting to commit child molesting (IC 35-42-4-3);



1	(B) the victim was the victim of a sex crime under
2	IC 35-42-4, for which the person was convicted; or
3	(C) the victim of the murder was listed by the state or
4	known by the person to be a witness against the person in
5	a prosecution for a sex crime under IC 35-42-4, and the
6	person committed the murder with the intent to prevent
7	the person from testifying.
8	SECTION 28. IC 35-42-4-4 IS AMENDED TO READ AS
9	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) As used in this
10	section:
11	"Disseminate" means to transfer possession for free or for a
12	consideration.
13	"Matter" has the same meaning as in IC 35-49-1-3.
14	"Performance" has the same meaning as in IC 35-49-1-7.
15	"Sexual conduct" means sexual intercourse, deviate sexual conduct,
16	exhibition of the uncovered genitals intended to satisfy or arouse the
17	sexual desires of any person, sadomasochistic abuse, sexual intercourse
18	or deviate sexual conduct with an animal, or any fondling or touching
19	of a child by another person or of another person by a child intended to
20	arouse or satisfy the sexual desires of either the child or the other
21	person.
22	(b) A person who knowingly or intentionally:
23	(1) manages, produces, sponsors, presents, exhibits, photographs,
24	films, videotapes, or creates a digitized image of any performance
25	or incident that includes sexual conduct by a child under eighteen
26	(18) years of age;
27	(2) disseminates, exhibits to another person, offers to disseminate
28	or exhibit to another person, or sends or brings into Indiana for
29	dissemination or exhibition matter that depicts or describes sexual
30	conduct by a child under eighteen (18) years of age; or
31	(3) makes available to another person a computer, knowing that
32	the computer's fixed drive or peripheral device contains matter
33	that depicts or describes sexual conduct by a child less than
34	eighteen (18) years of age;
35	commits child exploitation, a Class C felony.
36	(c) A person who knowingly or intentionally possesses:
37	(1) a picture;
38	(2) a drawing;
39	(3) a photograph;
40	(4) a negative image;
41	(5) undeveloped film;
42	(6) a motion picture;



1	(7) a videotape;
2	(8) a digitized image; or
3	(9) any pictorial representation;
4	that depicts or describes sexual conduct by a child who the person
5	knows is less than sixteen (16) years of age or who appears to be less
6	than sixteen (16) years of age, and that lacks serious literary, artistic,
7	political, or scientific value commits possession of child pornography,
8	a Class D felony.
9	(d) Subsections (b) and (c) do not apply to a bona fide school,
0	museum, or public library that qualifies for certain property tax
1	exemptions under IC 6-1.1-10, or to an employee of such a school,
2	museum, or public library acting within the scope of the employee's
3	employment when the possession of the listed materials are is for
4	legitimate scientific or educational purposes.
.5	SECTION 29. IC 35-42-4-6, AS AMENDED BY P.L.124-2005,
6	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7	JULY 1, 2007]: Sec. 6. (a) As used in this section, "solicit" means to
8	command, authorize, urge, incite, request, or advise an individual:
9	(1) in person;
20	(2) by telephone;
21	(3) in writing;
22	(4) by using a computer network (as defined in IC 35-43-2-3(a));
23	(5) by advertisement of any kind; or
24	(6) by any other means;
25	to perform an act described in subsection (b) or (c).
26	(b) A person eighteen (18) years of age or older who knowingly or
27	intentionally solicits a child under fourteen (14) years of age, or an
28	individual the person believes to be a child under fourteen (14) years
29	of age, to engage in:
0	(1) sexual intercourse;
31	(2) deviate sexual conduct; or
32	(3) any fondling or touching intended to arouse or satisfy the
3	sexual desires of either the child or the older person;
34	commits child solicitation, a Class D felony. However, the offense is
35	a Class C felony if it is committed by using a computer network (as
66	defined in IC 35-43-2-3(a)) and the offense is a Class B felony if the
37	person commits the offense by using a computer network (as
8	defined in IC 35-43-2-3(a)) and has a previous unrelated conviction
9	for committing the offense by using a computer network (as
.0	defined in IC 35-43-2-3(a))

(c) A person at least twenty-one (21) years of age who knowingly or

intentionally solicits a child at least fourteen (14) years of age but less



41

1	than sixteen (16) years of age, or an individual the person believes to
2	be a child at least fourteen (14) years of age but less than sixteen (16)
3	years of age, to engage in:
4	(1) sexual intercourse;
5	(2) deviate sexual conduct; or
6	(3) any fondling or touching intended to arouse or satisfy the
7	sexual desires of either the child or the older person;
8	commits child solicitation, a Class D felony. However, the offense is
9	a Class C felony if it is committed by using a computer network (as
10	defined in IC 35-43-2-3(a)) and the offense is a Class B felony if the
11	person commits the offense by using a computer network (as
12	defined in IC 35-43-2-3(a)) and has a previous unrelated conviction
13	for committing the offense by using a computer network (as
14	defined in IC 35-43-2-3(a)).
15	(d) In a prosecution under this section, including a prosecution for
16	attempted solicitation, the state is not required to prove that the person
17	solicited the child to engage in an act described in subsection (b) or (c)
18	at some immediate time.
19	SECTION 32. IC 35-42-4-7, AS AMENDED BY P.L.1-2005,
20	SECTION 228, IS AMENDED TO READ AS FOLLOWS
21	[EFFECTIVE JULY 1, 2007]: Sec. 7. (a) As used in this section,
22	"adoptive parent" has the meaning set forth in IC 31-9-2-6.
23	(b) As used in this section, "adoptive grandparent" means the parent
24	of an adoptive parent.
25	(c) As used in this section, "child care worker" means a person who:
26	(1) provides care, supervision, or instruction to a child within the
27	scope of the person's employment in a shelter care facility; or
28	(2) is employed by a:
29	(A) school corporation; or
30	(B) nonpublic school;
31	attended by a child who is the victim of a crime under this
32	chapter.
33	(d) As used in this section, "custodian" means any person who
34	resides with a child and is responsible for the child's welfare.
35	(e) As used in this section, "nonpublic school" has the meaning set
36	forth in IC 20-18-2-12.
37	(f) As used in this section, "school corporation" has the meaning set
38	forth in IC 20-18-2-16.
39	(g) As used in this section, "stepparent" means an individual who is
40	married to a child's custodial or noncustodial parent and is not the
41	child's adoptive parent.
42	(h) If a person who: is:



1	(1) is at least eighteen (18) years of age; and	
2	(2) is:	
3	(A) the:	
4	(A) (i) guardian, adoptive parent, adoptive grandparent,	
5	custodian, or stepparent of; or	
6	(B) (ii) child care worker for; or	
7	(B) a member of the armed forces of the United States (as	
8	defined in IC 20-33-10-2) or the Indiana National Guard	
9	who is attempting to enlist;	
10	a child at least sixteen (16) years of age but less than eighteen	
11	(18) years of age;	
12	engages with the child in sexual intercourse, deviate sexual conduct (as	
13	defined in IC 35-41-1-9), or any fondling or touching with the intent to	
14	arouse or satisfy the sexual desires of either the child or the adult, the	
15	person commits child seduction, a Class D felony.	
16	SECTION 30. IC 35-42-4-9 IS AMENDED TO READ AS	
17	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A person at least	
18	eighteen (18) years of age who, with a child at least fourteen (14) years	
19	of age but less than sixteen (16) years of age, performs or submits to	
20	sexual intercourse or deviate sexual conduct commits sexual	
21	misconduct with a minor, a Class C felony. However, the offense is:	
22	(1) a Class B felony if it is committed by a person at least	
23	twenty-one (21) years of age; and	
24	(2) a Class A felony if it is committed by using or threatening the	_
25	use of deadly force, if it is committed while armed with a deadly	
26	weapon, if it results in serious bodily injury, or if the commission	
27	of the offense is facilitated by furnishing the victim, without the	
28	victim's knowledge, with a drug (as defined in IC 16-42-19-2(1))	
29	or a controlled substance (as defined in IC 35-48-1-9) or knowing	
30	that the victim was furnished with the drug or controlled	
31	substance without the victim's knowledge.	
32	(b) A person at least eighteen (18) years of age who, with a child at	
33	least fourteen (14) years of age but less than sixteen (16) years of age,	
34	performs or submits to any fondling or touching, of either the child or	
35	the older person, with intent to arouse or to satisfy the sexual desires of	
36	either the child or the older person, commits sexual misconduct with	
37	a minor, a Class D felony. However, the offense is:	
38	(1) a Class C felony if it is committed by a person at least	
39	twenty-one (21) years of age; and	
40	(2) a Class B felony if it is committed by using or threatening the	
41	use of deadly force, while armed with a deadly weapon, or if the	
42	commission of the offense is facilitated by furnishing the victim,	



1	without the victim's knowledge, with a drug (as defined in
2	IC 16-42-19-2(1)) or a controlled substance (as defined in
3	IC 35-48-1-9) or knowing that the victim was furnished with the
4	drug or controlled substance without the victim's knowledge.
5	(c) It is a defense that the accused person reasonably believed that
6	the child was at least sixteen (16) years of age at the time of the
7	conduct. However, this subsection does not apply to an offense
8	described in subsection $(a)(2)$ or $(b)(2)$.
9	(d) It is a defense that the child is or has ever been married.
10	However, this subsection does not apply to an offense described in
11	subsection $(a)(2)$ or $(b)(2)$.
12	(e) It is a defense to a prosecution under this section if all the
13	following apply:
14	(1) The person is not more than four (4) years older than the
15	victim.
16	(2) The relationship between the person and the victim was a
17	dating relationship or an ongoing personal relationship. The
18	term "ongoing personal relationship" does not include a
19	family relationship.
20	(3) The crime:
21	(A) was not committed by a person who is at least
22	twenty-one (21) years of age;
23	(B) was not committed by using or threatening the use of
24	deadly force;
25	(C) was not committed while armed with a deadly weapon;
26	(D) did not result in serious bodily injury;
27	(E) was not facilitated by furnishing the victim, without the
28	victim's knowledge, with a drug (as defined in
29	IC 16-42-19-2(1)) or a controlled substance (as defined in
30	IC 35-48-1-9) or knowing that the victim was furnished
31	with the drug or controlled substance without the victim's
32	knowledge; and
33	(F) was not committed by a person having a position of
34	authority or substantial influence over the victim.
35	(4) The person has not committed another sex offense (as
36	defined in IC 11-8-8-5.2) (including a delinquent act that
37	would be a sex offense if committed by an adult) against any
38	other person.
39	SECTION 31. IC 35-42-4-10, AS ADDED BY P.L.6-2006,
40	SECTION 3, AS ADDED BY P.L.140-2006, SECTION 31, AND AS
41	ADDED BY P.L.173-2006, SECTION 31, IS CORRECTED AND
42	AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:



1	Sec. 10. (a) As used in this section, "offender against children"
2	means a person who is an offender against children under
3	IC 35-42-4-11.
4	(a) (b) As used in this section, "sexually violent predator" has the
5	meaning set forth in means a person who is a sexually violent predator
6	<i>under</i> IC 35-38-1-7.5.
7	(b) (c) A sexually violent predator or an offender against children
8	who knowingly or intentionally works for compensation or as a
9	volunteer:
10	(1) on school property;
11	(2) at a youth program center; or
12	(3) at a public park;
13	commits unlawful employment near children by a sexual predator, a
14	Class D felony. However, the offense is a Class C felony if the person
15	has a prior unrelated conviction based on the person's failure to comply
16	with any requirement imposed on an offender under this chapter.
17	IC 11-8-8.
18	SECTION 33. IC 35-42-4-11, AS AMENDED BY P.L.173-2006,
19	SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20	JULY 1, 2007]: Sec. 11. (a) As used in this section, and except as
21	provided in subsection (d), "offender against children" means a
22	person required to register as a sex offender under IC 11-8-8 who has
23	been:
24	(1) found to be a sexually violent predator under IC 35-38-1-7.5;
25	or
26	(2) convicted of one (1) or more of the following offenses:
27	(A) Child molesting (IC 35-42-4-3).
28	(B) Child exploitation (IC 35-42-4-4(b)).
29	(C) Child solicitation (IC 35-42-4-6).
30	(D) Child seduction (IC 35-42-4-7).
31	(E) Kidnapping (IC 35-42-3-2), if the victim is less than
32	eighteen (18) years of age and the person is not the child's
33	parent or guardian.
34	(F) Attempt to commit or conspiracy to commit an offense
35	listed in clauses (A) through (E).
36	(G) An offense in another jurisdiction that is substantially
37	similar to an offense described in clauses (A) through (E) (F).
38	A person is an offender against children by operation of law if the
39	person meets the conditions described in subdivision (1) or (2), no
40	matter when the person committed the offense.
41	(b) As used in this section, "reside" means to spend more than two
42	three (2) (3) nights in a residence, or, if the person does not reside in



1	a residence, in a particular location, in any thirty (30) day period.	
2	(c) An offender against children who knowingly or intentionally:	
3	(1) resides within one thousand (1,000) feet of:	
4	(A) school property, not including property of an institution	
5	providing post-secondary education;	
6	(B) a youth program center; or	
7	(C) a public park; or	
8	(2) establishes a residence within one (1) mile of the residence of	
9	the victim of the offender's sex offense;	_
10	commits a sex offender residency offense, a Class D felony.	
11	(d) This subsection does not apply to a person who has two (2)	
12	or more unrelated convictions for an offense described in	
13	subsection (a). A person who is an offender against children may	
14	petition the court to consider whether the person should no longer	
15	be considered an offender against children. The person may file a	
16	petition under this subsection not earlier than ten (10) years after	
17	the person is released from incarceration, probation, or parole,	
18	whichever occurs last. A person may file a petition under this	
19	subsection not more than one (1) time per year. A court may	
20	dismiss a petition filed under this subsection or conduct a hearing	
21	to determine if a person should no longer be considered an	
22	offender against children. If the court conducts a hearing, the court	
23	shall appoint two (2) psychologists or psychiatrists who have	
24	expertise in criminal behavioral disorders to evaluate the person	_
25	and testify at the hearing. After conducting the hearing and	
26	considering the testimony of the two (2) psychologists or	
27	psychiatrists, the court shall determine whether the person should	
28	no longer be considered an offender against children. If a court	T'
29	finds that the person should no longer be considered an offender	
30	against children, the court shall send notice to the department of	
31	correction that the person is no longer considered an offender	
32	against children.	
33	SECTION 34. IC 35-50-2-2, AS AMENDED BY P.L.151-2006,	
34	SECTION 28, AS AMENDED BY P.L.140-2006, SECTION 36, AND	

SECTION 34. IC 35-50-2-2, AS AMENDED BY P.L.151-2006, SECTION 28, AS AMENDED BY P.L.140-2006, SECTION 36, AND AS AMENDED BY P.L.173-2006, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the



1	offender in a forensic diversion program under IC 11-12-3.7:	
2	(1) The crime committed was a Class A or Class B felony and the	
3	person has a prior unrelated felony conviction.	
4	(2) The crime committed was a Class C felony and less than seven	
5	(7) years have elapsed between the date the person was	
6	discharged from probation, imprisonment, or parole, whichever	
7	is later, for a prior unrelated felony conviction and the date the	
8	person committed the Class C felony for which the person is	
9	being sentenced.	
10	(3) The crime committed was a Class D felony and less than three	
11	(3) years have elapsed between the date the person was	
12	discharged from probation, imprisonment, or parole, whichever	
13	is later, for a prior unrelated felony conviction and the date the	
14	person committed the Class D felony for which the person is	
15	being sentenced. However, the court may suspend the minimum	
16	sentence for the crime only if the court orders home detention	
17	under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum	
18	sentence specified for the crime under this chapter.	
19	(4) The felony committed was:	
20	(A) murder (IC 35-42-1-1);	
21	(B) battery (IC 35-42-2-1) with a deadly weapon or battery	
22	causing death;	
23	(C) sexual battery (IC 35-42-4-8) with a deadly weapon;	
24	(D) kidnapping (IC 35-42-3-2);	
25	(E) confinement (IC 35-42-3-3) with a deadly weapon;	
26	(F) rape (IC 35-42-4-1) as a Class A felony;	_
27	(G) criminal deviate conduct (IC 35-42-4-2) as a Class A	
28	felony;	
29	(H) child molesting (IC 35-42-4-3) as a Class A or Class B	
30	felony, unless:	
31	(i) the felony committed was child molesting as a Class B	
32 33	felony; (ii) the victim was not less than twelve (12) years old at	
34	· · · · · · · · · · · · · · · · · · ·	
35	the time the offense was committed; (iii) the person is not more than four (4) years older than	
36	the victim;	
37	(iv) the relationship between the person and the victim	
38	was a dating relationship or an ongoing personal	
39	relationship (not including a family relationship);	
40	(v) was not committed by a person having a position of	
41	authority or substantial influence over the victim; and	
42	(vi) the person has not committed another sex offense (as	



1	defined in IC 11-8-8-5.2) (including a delinquent act that	
2	would be a sex offense if committed by an adult) against	
3	any other person;	
4	(I) robbery (IC 35-42-5-1) resulting in serious bodily injury or	
5	with a deadly weapon;	
6	(J) arson (IC 35-43-1-1) for hire or resulting in serious bodily	
7	injury;	
8	(K) burglary (IC 35-43-2-1) resulting in serious bodily injury	
9	or with a deadly weapon;	
10	(L) resisting law enforcement (IC 35-44-3-3) with a deadly	
11	weapon;	
12	(M) escape (IC 35-44-3-5) with a deadly weapon;	
13	(N) rioting (IC 35-45-1-2) with a deadly weapon;	
14	(O) dealing in cocaine or a narcotic drug or methamphetamine	
15	(IC 35-48-4-1) if the court finds the person possessed a firearm	
16	(as defined in IC 35-47-1-5) at the time of the offense, or the	
17	person delivered or intended to deliver to a person under	
18	eighteen (18) years of age at least three (3) years junior to the	
19	person and was on a school bus or within one thousand (1,000)	
20	feet of:	
21	(i) school property;	
22	(ii) a public park;	
23	(iii) a family housing complex; or	
24	(iv) a youth program center;	
25	(P) dealing in methamphetamine (IC 35-48-4-1.1) if the court	
26	finds the person possessed a firearm (as defined in	
27	IC 35-47-1-5) at the time of the offense, or the person	
28	delivered or intended to deliver the methamphetamine pure or	V
29	adulterated to a person under eighteen (18) years of age at	
30	least three (3) years junior to the person and was on a school	
31	bus or within one thousand (1,000) feet of:	
32	(i) school property;	
33	(ii) a public park;	
34	(iii) a family housing complex; or	
35	(iv) a youth program center;	
36	(P) (Q) dealing in a schedule I, II, or III controlled substance	
37	(IC 35-48-4-2) if the court finds the person possessed a firearm	
38	(as defined in IC 35-47-1-5) at the time of the offense, or the	
39	person delivered or intended to deliver to a person under	
40	eighteen (18) years of age at least three (3) years junior to the	
41	person and was on a school bus or within one thousand (1,000)	
42	feet of:	



1	(i) school property;	
2	(ii) a public park;	
3	(iii) a family housing complex; or	
4	(iv) a youth program center;	
5	$\frac{Q}{R}$ (R) an offense under IC 9-30-5 (operating a vehicle while	
6	intoxicated) and the person who committed the offense has	
7	accumulated at least two (2) prior unrelated convictions under	
8	IC 9-30-5;	
9	(R) (S) an offense under IC 9-30-5-5(b) (operating a vehicle	
10	while intoxicated causing death); or	
11	$\frac{S}{T}$ (T) aggravated battery (IC 35-42-2-1.5).	
12	(c) Except as provided in subsection (e), whenever the court	
13	suspends a sentence for a felony, it shall place the person on probation	
14	under IC 35-38-2 for a fixed period to end not later than the date that	
15	the maximum sentence that may be imposed for the felony will expire.	
16	(d) The minimum sentence for a person convicted of voluntary	
17	manslaughter may not be suspended unless the court finds at the	
18	sentencing hearing that the crime was not committed by means of a	
19	deadly weapon.	
20	(e) Whenever the court suspends that part of an a sex offender's (as	
21	defined in IC 5-2-12-4) IC 11-8-8-5) sentence that is suspendible under	
22	subsection (b), the court shall place the sex offender on probation under	
23	IC 35-38-2 for not more than ten (10) years.	
24	(f) An additional term of imprisonment imposed under	
25	IC 35-50-2-11 may not be suspended.	
26	(g) A term of imprisonment imposed under IC 35-47-10-6 or	
27	IC 35-47-10-7 may not be suspended if the commission of the offense	
28	was knowing or intentional.	
29	(h) A term of imprisonment imposed for an offense under	
30	IC $35-48-4-6(b)(1)(B)$ or IC $35-48-4-6.1(b)(1)(B)$ may not be	
31	suspended.	
32	SECTION 35. IC 35-50-6-1, AS AMENDED BY P.L.139-2006,	
33	SECTION 6, AS AMENDED BY P.L.140-2006, SECTION 38, AND	
34	AS AMENDED BY P.L.173-2006, SECTION 38, IS CORRECTED	
35	AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,	
36	2007]: Sec. 1. (a) Except as provided in subsection (d) or (e), when a	
37	person imprisoned for a felony completes the person's fixed term of	
38	imprisonment, less the credit time the person has earned with respect	
39	to that term, the person shall be:	
40	(1) released on parole for not more than twenty-four (24) months,	
41	as determined by the parole board;	
42	(2) discharged upon a finding by the committing court that the	



- 1 person was assigned to a community transition program and may 2 be discharged without the requirement of parole; or 3 (3) released to the committing court if the sentence included a 4 period of probation. 5 (b) This subsection does not apply to a person described in 6 subsection (d), (e), or (f). A person released on parole remains on 7 parole from the date of release until the person's fixed term expires, 8 unless the person's parole is revoked or the person is discharged from 9 that term by the parole board. In any event, if the person's parole is not 10 revoked, the parole board shall discharge the person after the period set 11 under subsection (a) or the expiration of the person's fixed term, 12 whichever is shorter. 13 (c) A person whose parole is revoked shall be imprisoned for all or 14 part of the remainder of the person's fixed term. However, the person 15 shall again be released on parole when the person completes that 16 remainder, less the credit time the person has earned since the 17 revocation. The parole board may reinstate the person on parole at any 18 time after the revocation. 19 (d) This subsection does not apply to a person who is a sexually 20 violent predator under IC 35-38-1-7.5. When a sex offender (as defined 21 in IC 5-2-12-4) IC 11-8-8-5) completes the sex offender's fixed term of 22 imprisonment, less credit time earned with respect to that term, the sex 23 offender shall be placed on parole for not more than ten (10) years. 24 (e) This subsection applies to a person who is a sexually violent 25 predator under IC 35-38-1-7.5. When a sexually violent predator completes the person's fixed term of imprisonment, less credit time 26 27 earned with respect to that term, the person shall be placed on parole 2.8 for the remainder of the person's life. 29 (f) This subsection applies to a parolee in another jurisdiction who 30 is a sexually violent predator under IC 35-38-1-7.5 and whose parole 31 supervision is transferred to Indiana from another jurisdiction. In 32 accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State 33 Probationers and Parolees) and rules adopted under Article VII (d)(8) 34 of the Interstate Compact for Adult Offender Supervision 35 (IC 11-13-4.5), a parolee who is a sexually violent predator and whose 36 parole supervision is transferred to Indiana is subject to the same 37 conditions of parole as a sexually violent predator convicted in Indiana, 38 including:
 - (1) lifetime parole (as described in subsection (e)); and
 - (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise



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1	location, if applicable.
2	(g) If a person being supervised on lifetime parole as described in
3	subsection (e) is also required to be supervised by a court, a probation
4	department, a community corrections program, a community transition
5	program, or another similar program upon the person's release from
6	imprisonment, the parole board may:
7	(1) supervise the person while the person is being supervised by
8	the other supervising agency; or
9	(2) permit the other supervising agency to exercise all or part of
10	the parole board's supervisory responsibility during the period in
11	which the other supervising agency is required to supervise the
12	person, if supervision by the other supervising agency will be, in
13	the opinion of the parole board:
14	(A) at least as stringent; and
15	(B) at least as effective;
16	as supervision by the parole board.
17	(h) The parole board is not required to supervise a person on
18	lifetime parole during any period in which the person is imprisoned.
19	However, upon the person's release from imprisonment, the parole
20	board shall recommence its supervision of a person on lifetime parole.
21	(i) If a court orders the parole board to place a sexually violent
22	predator whose sentence does not include a commitment to the
23	department of correction on lifetime parole under IC 35-38-1-29,
24	the parole board shall place the sexually violent predator on
25	lifetime parole and supervise the person in the same manner that
26	the parole board supervises a sexually violent predator on lifetime
27	parole whose sentence includes a commitment to the department
28	of correction.
29	SECTION 36. IC 35-50-6-3 IS AMENDED TO READ AS
30	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A person
31	assigned to Class I earns one (1) day of credit time for each day he the
32	person is imprisoned for a crime or confined awaiting trial or
33	sentencing.
34	(b) A person assigned to Class II earns one (1) day of credit time for
35	every two (2) days he the person is imprisoned for a crime or confined
36	awaiting trial or sentencing.
37	(c) A person assigned to Class III earns no credit time.
38	(d) A person assigned to Class IV earns one (1) day of credit for
39	every six (6) days the person is imprisoned for a crime or confined
40	awaiting trial or sentencing.
41	SECTION 37. IC 35-50-6-4 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A person who is



1	not a credit restricted felon and who is imprisoned for a crime or
2	imprisoned awaiting trial or sentencing is initially assigned to Class I.
3	(b) A person who is a credit restricted felon and who is
4	imprisoned for a crime or imprisoned awaiting trial or sentencing
5	is initially assigned to Class IV. A credit restricted felon may not
6	be assigned to Class I or Class II.
7	(b) (c) A person who is not assigned to Class IV may be reassigned
8	to Class II or Class III if he the person violates any of the following:
9	(1) A rule of the department of correction.
10	(2) A rule of the penal facility in which he the person is
11	imprisoned.
12	(3) A rule or condition of a community transition program.
13	However, a violation of a condition of parole or probation may not be
14	the basis for reassignment. Before a person may be reassigned to a
15	lower credit time class, he the person must be granted a hearing to
16	determine his the person's guilt or innocence and, if found guilty,
17	whether reassignment is an appropriate disciplinary action for the
18	violation. The person may waive his the right to the hearing.
19	(d) A person who is assigned to Class IV may be reassigned to
20	Class III if the person violates any of the following:
21	(1) A rule of the department of correction.
22	(2) A rule of the penal facility in which the person is
23	imprisoned.
24	(3) A rule or condition of a community transition program.
25	However, a violation of a condition of parole or probation may not
26	be the basis for reassignment. Before a person may be reassigned
27	to Class III, the person must be granted a hearing to determine the
28	person's guilt or innocence and, if found guilty, whether
29	reassignment is an appropriate disciplinary action for the
30	violation. The person may waive the right to the hearing.
31	(c) (e) In connection with the hearing granted under subsection (b),
32	(c) or (d), the person is entitled to:
33	(1) have not less than twenty-four (24) hours advance written
34	notice of the date, time, and place of the hearing, and of the
35	alleged misconduct and the rule the misconduct is alleged to have
36	violated;
37	(2) have reasonable time to prepare for the hearing;
38	(3) have an impartial decisionmaker;
39	(4) appear and speak in his the person's own behalf;
40	(5) call witnesses and present evidence;
41	(6) confront and cross-examine each witness, unless the hearing
42	authority finds that to do so would subject a witness to a



1	substantial risk of harm;
2	(7) have the assistance of a lay advocate (the department may
3	require that the advocate be an employee of, or a fellow prisoner
4	in, the same facility or program);
5	(8) have a written statement of the findings of fact, the evidence
6	relied upon, and the reasons for the action taken;
7	(9) have immunity if his the person's testimony or any evidence
8	derived from his the person's testimony is used in any criminal
9	proceedings; and
10	(10) have his the person's record expunged of any reference to
11	the charge if he the person is found not guilty or if a finding of
12	guilt is later overturned.
13	Any finding of guilt must be supported by a preponderance of the
14	evidence presented at the hearing.
15	(d) (f) A person may be reassigned from Class III to Class I, or Class
16	II, or Class IV, or from Class II to Class I. A person's assignment to
17	Class III or Class II shall be reviewed at least once every six (6) months
18	to determine if he the person should be reassigned to a higher credit
19	time class. A credit restricted felon may not be reassigned to Class
20	I or Class II.
21	SECTION 38. IC 35-50-6-5, AS AMENDED BY P.L.173-2006,
22	SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23	JULY 1, 2007]: Sec. 5. (a) A person may, with respect to the same
24	transaction, be deprived of any part of the credit time the person has
25	earned for any of the following:
26	(1) A violation of one (1) or more rules of the department of
27	correction.
28	(2) If the person is not committed to the department, a violation
29	of one (1) or more rules of the penal facility in which the person
30	is imprisoned.
31	(3) A violation of one (1) or more rules or conditions of a
32	community transition program.
33	(4) If a court determines that a civil claim brought by the person
34	in a state or an administrative court is frivolous, unreasonable, or
35	groundless.
36	(5) If the person is a sex offender (as defined in IC 11-8-8-5) and
37	refuses to register before being released from the department as
38	required under IC 11-8-8-7.
39	(6) If the person is a sex offender (as defined in IC 11-8-8-5) and
40	refuses to participate in a sex offender treatment program
41	specifically offered to the sex offender by the department of
42	correction while the person is serving a period of incarceration



1	with the department of correction.
2	However, the violation of a condition of parole or probation may not be
3	the basis for deprivation. Whenever a person is deprived of credit time,
4	he the person may also be reassigned to Class II (if the person is not
5	a credit restricted felon) or Class III.
6	(b) Before a person may be deprived of earned credit time, the
7	person must be granted a hearing to determine the person's guilt or
8	innocence and, if found guilty, whether deprivation of earned credit
9	time is an appropriate disciplinary action for the violation. In
10	connection with the hearing, the person is entitled to the procedural
11	safeguards listed in section 4(c) section 4(e) of this chapter. The person
12	may waive the person's right to the hearing.
13	(c) Any part of the credit time of which a person is deprived under
14	this section may be restored.
15	SECTION 39. IC 36-2-13-5.5, AS AMENDED BY P.L.173-2006,
16	SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17	JULY 1, 2007]: Sec. 5.5. (a) The sheriffs shall jointly establish and
18	maintain an Indiana sex offender web site, known as the Indiana sex
19	offender registry, to inform the general public about the identity,
20	location, and appearance of every sex offender residing within Indiana.
21	The web site must provide information regarding each sex offender,
22	organized by county of residence. The web site shall be updated at least
23	daily.
24	(b) The Indiana sex offender web site must include the following
25	information:
26	(1) A recent photograph of every sex offender who has registered
27	with a sheriff after the effective date of this chapter.
28	(2) The home address of every sex offender.
29	(3) The information required under IC 11-8-8-8.
30	(c) Every time a sex offender registers, but at least once per year, the
31	sheriff shall:
32	(1) photograph the sex offender; and
33	(2) determine whether the sex offender's fingerprints are on
34	file:
35	(A) in Indiana; or
36	(B) with the Federal Bureau of Investigation.
37	If it appears that the sex offender's fingerprints are not on file as
38	described in subdivision (2), the sheriff shall fingerprint the sex
39	offender and transmit a copy of the fingerprints to the state police
40	department. The sheriff shall place this the photograph described in
41	subdivision (1) on the Indiana sex offender web site.
12	(d) The photograph of a sex offender described in subsection (c)



1	must meet the following requirements:	
2	(1) The photograph must be full face, front view, with a plain	
3	white or off-white background.	
4	(2) The image of the offender's face, measured from the bottom	
5	of the chin to the top of the head, must fill at least seventy-five	
6	percent (75%) of the photograph.	
7	(3) The photograph must be in color.	
8	(4) The photograph must show the offender dressed in normal	
9	street attire, without a hat or headgear that obscures the hair or	
10	hairline.	
11	(5) If the offender normally and consistently wears prescription	
12	glasses, a hearing device, wig, or a similar article, the photograph	
13	must show the offender wearing those items. A photograph may	
14	not include dark glasses or nonprescription glasses with tinted	
15	lenses unless the offender can provide a medical certificate	
16	demonstrating that tinted lenses are required for medical reasons.	
17	(6) The photograph must have sufficient resolution to permit the	
18	offender to be easily identified by a person accessing the Indiana	
19	sex offender web site.	
20	(e) The Indiana sex offender web site may be funded from:	
21	(1) the jail commissary fund (IC 36-8-10-21);	
22	(2) a grant from the criminal justice institute; and	
23	(3) any other source, subject to the approval of the county fiscal	
24	body.	
25	SECTION 40. IC 36-2-13-5.6 IS ADDED TO THE INDIANA	
26	CODE AS A NEW SECTION TO READ AS FOLLOWS	,
27	[EFFECTIVE JULY 1, 2007]: Sec. 5.6. (a) The legislative body of a	
28	county may adopt an ordinance:	
29	(1) requiring the local law enforcement authority (as defined	
30	in IC 11-8-8-2) to collect:	
31	(A) an annual sex offender registration fee; and	
32	(B) a sex offender address change fee; and	
33	(2) establishing a county sex offender administration fund to	
34	fund the administration of the sex offender registration	
35	system.	
36	(b) If an ordinance is adopted under subsection (a), the	
37	legislative body of the county shall establish the amount of the	
38	annual sex offender registration fee. However, the annual sex	
39	offender registration fee may not exceed fifty dollars (\$50).	
40	(c) If an ordinance is adopted under subsection (a), the	
41	legislative body of the county shall establish the amount of the sex	

offender address change fee. However, a sex offender address



change fee may not exceed five dollars (\$5) per address change.	
(d) The legislative body of the county shall determine the	
manner in which the local law enforcement authority shall collect	
the annual sex offender registration fee and the sex offender	
address change fee. However, the annual sex offender registration	
fee may be collected only one (1) time per year. The sex offender	
address change fee may be collected each time a sex offender	
registers an address change with the local law enforcement	
authority.	
(e) The local law enforcement authority shall transfer fees	
collected under this section to the county auditor of the county in	
which the local law enforcement authority exercises jurisdiction.	
(f) The county auditor shall monthly:	
(1) deposit ninety percent (90%) of any fees collected under	
this section in the county sex offender administration fund	
established under subsection (a); and	
(2) transfer ten percent (10%) of any fees collected under this	
section to the treasurer of state for deposit in the state sex	
offender administration fund under IC 11-8-8-21.	
(g) A county fiscal body may appropriate money from the	
county sex offender administration fund to an agency or	
organization involved in the administration of the sex offender	
registry to defray the expense of administering or ensuring	
compliance with the laws concerning the Indiana sex offender	
registry.	
SECTION 41. [EFFECTIVE JULY 1, 2007] (a) IC 35-38-1-29, as	
added by this act, and IC 11-8-8-17, IC 11-8-8-18, IC 35-42-4-6,	
IC 35-42-4-7, IC 35-42-4-9, IC 35-42-4-10, and IC 35-42-4-11, and	V

IC 35-50-6-1(i), all as amended by this act, apply only to offenses



committed after June 30, 2007.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1386, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 28, after "who" insert "the person knows".

Page 4, after line 38, begin a new paragraph and insert:

"SECTION 4. IC 35-42-4-6, AS AMENDED BY P.L.124-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "solicit" means to command, authorize, urge, incite, request, or advise an individual:

- (1) in person;
- (2) by telephone;
- (3) in writing;
- (4) by using a computer network (as defined in IC 35-43-2-3(a));
- (5) by advertisement of any kind; or
- (6) by any other means;

to perform an act described in subsection (b) or (c).

- (b) A person eighteen (18) years of age or older who knowingly or intentionally solicits a child under fourteen (14) years of age, or an individual the person believes to be a child under fourteen (14) years of age, to engage in:
 - (1) sexual intercourse;
 - (2) deviate sexual conduct; or
 - (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person;

commits child solicitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)) and the offense is a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).

- (c) A person at least twenty-one (21) years of age who knowingly or intentionally solicits a child at least fourteen (14) years of age but less than sixteen (16) years of age, or an individual the person believes to be a child at least fourteen (14) years of age but less than sixteen (16) years of age, to engage in:
 - (1) sexual intercourse;
 - (2) deviate sexual conduct; or
 - (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person;

EH 1386-LS 6678/DI 106+









commits child solicitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)) and the offense is a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).

(d) In a prosecution under this section, including a prosecution for attempted solicitation, the state is not required to prove that the person solicited the child to engage in an act described in subsection (b) or (c) at some immediate time.

SECTION 5. [EFFECTIVE JULY 1, 2007] IC 35-42-4-6, as amended by this act, applies only to offenses committed after June 30, 2007.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1386 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 8, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1386 be amended to read as follows:

Page 5, after line 42, begin a new paragraph and insert:

"SECTION 5. IC 35-42-4-11, AS AMENDED BY P.L.173-2006, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) As used in this section, "offender against children" means a person required to register as a sex offender under IC 11-8-8 who has been:

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b)).
 - (C) Child solicitation (IC 35-42-4-6).
 - (D) Child seduction (IC 35-42-4-7).
 - (E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

EH 1386-LS 6678/DI 106+









- (F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).
- **(G)** An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (E) (F).
- (b) As used in this section, "reside" means to spend more than two (2) nights in a residence in any thirty (30) day period.
 - (c) An offender against children who knowingly or intentionally:
 - (1) resides within one thousand (1,000) feet of:
 - (A) school property;
 - (B) a youth program center; or
 - (C) a public park; or
 - (2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;

commits a sex offender residency offense, a Class D felony.".

Page 6, line 1, delete "IC 35-42-4-6," and insert "IC 35-42-4-6 and IC 35-42-4-11, both".

Page 6, line 2, delete "applies" and insert "apply".

Renumber all SECTIONS consecutively.

(Reference is to HB 1386 as printed February 20, 2007.)

GOODIN

SENATE MOTION

Madam President: I move that Senator Long be removed as sponsor of Engrossed House Bill 1386.

LONG

SENATE MOTION

Madam President: I move that Senator Steele be added as second sponsor of Engrossed House Bill 1386.

BRAY









SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1386.

BRAY

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1386, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1386 as rereprinted February 24, 2007.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that House Bill 1386 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 10-13-3-5, AS AMENDED BY P.L.20-2006, SECTION 1, AS AMENDED BY P.L.140-2006, SECTION 4, AND AS AMENDED BY P.L.173-2006, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

- (b) The term consists of the following:
 - (1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.
 - (2) Information, including a photograph, regarding a sex and

EH 1386—LS 6678/DI 106+









violent offender (as defined in *IC 5-2-12-4*) *IC 11-8-8-5*) obtained through sex *and violent* offender registration under *IC 5-2-12*. *IC 11-8-8*.

- (3) Any disposition, including sentencing, and correctional system intake, transfer, and release.
- (4) A photograph of the person who is the subject of the information described in subdivisions (1) through (3).
- (c) The term includes fingerprint information described in section 24(f) of this chapter.

SECTION 2. IC 10-13-3-24, AS AMENDED BY P.L.20-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) The department shall act as the official state central repository for criminal history data.

- (b) A sheriff, police department, or criminal justice agency in Indiana shall report to the department, on forms provided by the department, all arrests for reportable offenses.
- (c) Except as provided in subsection (e), at the time a sheriff, police department, or criminal justice agency makes the report described in subsection (b), the sheriff, police department, or criminal justice agency shall transmit a photograph of the person who is the subject of the report to the department.
 - (d) The department may adopt guidelines concerning the:
 - (1) form; and
- (2) manner of transmission (including electronic transmission); of a photograph described in subsection (c). If the department adopts guidelines under this subsection, the sheriff, police department, or criminal justice agency required to transmit a photograph under subsection (c) shall transmit the photograph in accordance with the guidelines adopted by the department.
 - (e) Notwithstanding subsections (c) and (d):
 - (1) the department is not required to process; and
 - (2) a sheriff, police department, or criminal justice agency is not required to submit;

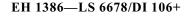
a photograph under this section unless the department has sufficient funding available to process photographs submitted under this section.

- (f) The department of correction may report to the department:
 - (1) fingerprints recorded by the department of correction in any reliable manner, including the use of a digital fingerprinting device, when a person convicted of an offense is received by the department of correction; and
 - (2) an abstract of judgment received by the department of correction that relates to the fingerprints described in











subdivision (1).

SECTION 2. IC 11-8-2-12.4, AS ADDED BY P.L.173-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12.4. The department shall do the following:

- (1) Maintain the Indiana sex offender registry established under IC 36-2-13-5.5. The department shall ensure that a sex offender's Social Security number remains unavailable to the public.
- (2) Prescribe and approve a format for sex offender registration as required by IC 11-8-8.
- (3) Provide:
 - (A) judges;
 - (B) law enforcement officials;
 - (C) prosecuting attorneys;
 - (D) parole officers;
 - (E) probation officers; and
 - (F) community corrections officials;

with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex offender registry.

- (4) Upon request of a neighborhood association:
 - (A) transmit to the neighborhood association information concerning sex offenders who reside near the location of the neighborhood association; or
 - (B) provide instructional materials concerning the use of the Indiana sex offender registry to the neighborhood association.
- (5) Maintain records on every sex offender who:
 - (A) is incarcerated;
 - (B) has relocated out of state; and
 - (C) is no longer required to register due to the expiration of the sex offender's registration period.

SECTION 3. IC 11-8-8-4, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. As used in this chapter, "register" means to provide report in person to a local law enforcement authority with and provide the information required under section 8 of this chapter.".

Page 1, line 9, after "gratification" insert "(including performing sexual conduct in the presence of a minor)".

Page 2, between lines 38 and 39, begin a new paragraph and insert:

"(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

EH 1386—LS 6678/DI 106+











SECTION 4. IC 11-8-8-5.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.2. As used in this chapter, "sex offense" means an offense listed in section 5(a) of this chapter.

SECTION 5. IC 11-8-8-7, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

- (1) A sex offender who resides in Indiana. A sex offender resides in Indiana if either of the following applies:
 - (A) The sex offender spends or intends to spend at least seven
 - (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.
 - (B) The sex offender owns real property in Indiana and returns to Indiana at any time.
- (2) A sex offender who works or carries on a vocation or intends to work or carry on a vocation full time or part time for a period:
 - (A) exceeding fourteen (14) seven (7) consecutive days; or
- (B) for a total period exceeding thirty (30) fourteen (14) days; during any calendar year in Indiana regardless of whether the sex offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.
- (3) A sex offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.
- (b) Except as provided in subsection (e), a sex offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex offender resides. If a sex offender resides in more than one (1) county, the sex offender shall register with the local law enforcement authority in each county in which the sex offender resides. If the sex offender is also required to register under subsection (a)(2) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).
- (c) A sex offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex offender is or intends to be employed or carry on a vocation. If a sex offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex offender shall register with the local law enforcement authority in each county. If the sex offender is also required to register under subsection (a)(1) or (a)(3), the sex offender







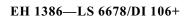


shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

- (d) A sex offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex offender is enrolled or intends to be enrolled as a student. If the sex offender is also required to register under subsection (a)(1) or (a)(2), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).
- (e) A sex offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).
- (f) A sex offender committed to the department shall register with the department before the sex offender is released from incarceration. The department shall forward the sex offender's registration information to the local law enforcement authority of every county in which the sex offender is required to register.
- (g) This subsection does not apply to a sex offender who is a sexually violent predator. A sex offender not committed to the department shall register not more than seven (7) days after the sex offender:
 - (1) is released from a penal facility (as defined in IC 35-41-1-21);
 - (2) is released from a secure private facility (as defined in IC 31-9-2-115);
 - (3) is released from a juvenile detention facility;
 - (4) is transferred to a community transition program;
 - (5) is placed on parole;
 - (6) is placed on probation;
 - (7) is placed on home detention; or
 - (8) arrives at the place where the sex offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex offender who is a sexually violent predator. A sex offender who is a sexually violent predator shall













register not more than seventy-two (72) hours after the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

- (i) The local law enforcement authority with whom a sex offender registers under this section shall make and publish a photograph of the sex offender on the Indiana sex offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex offender registry web site established under IC 36-2-13-5.5.
- (j) When a sex offender registers, the local law enforcement authority shall:
 - (1) immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5; and
 - (2) notify every law enforcement agency having jurisdiction in the county where the sex offender resides; and
 - (3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

The local law enforcement authority shall provide the department and









a law enforcement agency described in subdivision (2) with the information provided by the sex offender during registration. When a sex offender from a jurisdiction outside Indiana registers a change of address, employment, vocation, or enrollment in Indiana, the local law enforcement authority shall provide the department with the information provided by the sex offender during registration.

SECTION 6. IC 11-8-8-8, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The registration required under this chapter must include the following information:

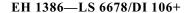
- (1) The sex offender's full name, alias, any name by which the sex offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification card number, vehicle description and vehicle plate number for any vehicle the offender owns or operates on a regular basis, principal residence address, other address where the sex offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex offender's principal residence address.
- (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.
- (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends to stay while in Indiana.
- (4) A recent photograph of the sex offender.
- (5) If the sex offender is a sexually violent predator, that the sex offender is a sexually violent predator.
- (6) If the sex offender is required to register for life, that the sex offender is required to register for life.
- (7) Any other information required by the department.

SECTION 7. IC 11-8-8-9, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Not more than seven (7) days before an Indiana sex offender who is required to register under this chapter is scheduled to be released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an











official of the facility shall do the following:

- (1) Orally inform the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender was orally informed or, if the sex offender refuses to sign the statement, certify that the sex offender was orally informed of the duty to register.
- (2) Deliver a form advising the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender received the written notice or, if the sex offender refuses to sign the statement, certify that the sex offender was given the written notice of the duty to register.
- (3) Obtain the address where the sex offender expects to reside after the sex offender's release.
- (4) Transmit to the local law enforcement authority in the county where the sex offender expects to reside the sex offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex offender.
- (b) Not more than seventy-two (72) hours after a sex offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:
 - (1) The sex offender's fingerprints, photograph, and identification factors.
 - (2) The address where the sex offender expects to reside after the sex offender's release.
 - (3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex offender.
 - (4) Information regarding the sex offender's past treatment for mental disorders.
 - (5) Information as to whether the sex offender has been determined to be a sexually violent predator.
- (c) This subsection applies if a sex offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex offender is sentenced shall perform the duties required under subsections (a) and (b).
- (d) For any sex offender who is not committed to the department, the probation office of the sentencing court shall transmit to the department a copy of the offender's:

EH 1380—LS 00/8/DI









- (1) sentencing order;
- (2) presentence investigation; and
- (3) any other information required by the department to make a determination concerning sex offender registration.

SECTION 8. IC 11-8-8-11, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) If a sex offender who is required to register under this chapter changes:

- (1) principal residence address; or
- (2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex offender stays in Indiana;

the sex offender shall register not more than seventy-two (72) hours after the address change with the local law enforcement authority with whom the sex offender last registered. report in person to the local law enforcement authority having jurisdiction over the offender's current principal address or location and, if the offender moves to a new county in Indiana, to the local law enforcement authority having jurisdiction over the offender's new principal address or location not more than seventy-two (72) hours after the address change.

- (b) If a sex offender moves to a new county in Indiana, the local law enforcement authority referred to in subsection (a) where the sex offender's current principal residence address is located shall inform the local law enforcement authority in the new county in Indiana of the sex offender's residence and forward all relevant registration information concerning the sex offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex offender under section 13 of this chapter not more than seven (7) days after receiving the notice.
- (c) If a sex offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex offender's principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school, the sex offender shall register not more than seventy-two (72) hours after the change with the local law enforcement authority with whom the sex offender last registered. report in person:
 - (1) to the local law enforcement authority having jurisdiction over the offender's current principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school; and
 - (2) if a sex offender changes the sex offender's place of











employment, vocation, or enrollment to a new county in Indiana, to the local law enforcement authority having jurisdiction over the offender's new principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school;

not more than seventy-two (72) hours after the change.

- (d) If a sex offender moves the sex offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority referred to in subsection (c) having jurisdiction over the offender's current principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school shall inform the local law enforcement authority in the new county of the sex offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.
- (e) If a sex offender moves the sex offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex offender's new place of residence, employment, **vocation**, or enrollment.
- (f) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex offender.
- (g) A local law enforcement authority who is notified of a change under subsection (a) or (c) shall:
 - (1) immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5;
 - (2) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS); and
 - (3) notify the department.
- (h) If a sex offender who is registered with a local law enforcement authority becomes incarcerated, the local law enforcement authority shall transmit a copy of the information provided by the sex offender during registration to the department.
- (i) If a sex offender is no longer required to register due to the expiration of the registration period, the local law enforcement authority shall transmit a copy of the information provided by the sex offender during registration to the department.

SECTION 9. IC 11-8-8-12, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

EH 1386—LS 6678/DI 106+











- JULY 1, 2007]: Sec. 12. (a) As used in this section, "temporary residence" means a residence:
 - (1) that is established to provide transitional housing for a person without another residence; and
 - (2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.
- (b) This section applies only to a sex offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:
 - (1) not more than seventy-two (72) hours after the sex offender moves into the temporary residence; and
 - (2) during the period in which the sex offender resides in a temporary residence, at least once every seven (7) days following the sex offender's initial registration under subdivision (1).
- (c) A sex offender who does not have a principal residence or temporary residence shall report in person to the local law enforcement authority in the county where the sex offender resides at least once every seven (7) days to report an address for the location where the sex offender will stay during the time in which the sex offender lacks a principal address or temporary residence.
- (c) (d) A sex offender's obligation to register in person once every seven (7) days terminates when the sex offender no longer resides in the temporary residence or location described in subsection (c). However, all other requirements imposed on a sex offender by this chapter continue in force, including the requirement that a sex offender register the sex offender's new address with the local law enforcement authority.

SECTION 10. IC 11-8-8-13, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) To verify a sex offender's current residence, the local law enforcement authority having jurisdiction over the area of the offender's current principal address or location shall do the following:

- (1) Mail a reply form that is approved or prescribed by the department to each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex offender is:
 - (A) released from a penal facility (as defined in

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- IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (2) Mail a reply form that is approved or prescribed by the department to each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex offender is:
 - (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
 - (B) placed in a community transition program;
 - (C) placed in a community corrections program;
 - (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (3) Personally visit each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:
 - (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
 - (B) placed in a community transition program;
 - (C) placed in a community corrections program;
 - (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (4) Personally visit each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:
 - (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

EH 1386—LS 6678/DI 106+











- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(b) If a sex offender fails to return a signed reply form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

SECTION 11. IC 11-8-8-14, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) This subsection does not apply to a sex offender who is a sexually violent predator. In addition to the other requirements of this chapter, At least once per calendar year, a sex offender who is required to register under this chapter shall, at least one (1) time per calendar year:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority; in each location where the offender is required to register.
- (b) This subsection applies to a sex offender who is a sexually violent predator. In addition to the other requirements of this chapter, a sex offender who is a sexually violent predator under IC 35-38-1-7.5 shall:
 - (1) report in person to the local law enforcement authority;
 - (2) register; and
- (3) be photographed by the local law enforcement authority in each location where the offender is required to register; every ninety (90) days.
- (c) Each time a sex offender who claims to be working or attending school registers in person, the sex offender shall provide documentation to the local law enforcement authority providing evidence that the sex offender is still working or attending school at the registered location.

SECTION 12. IC 11-8-8-17, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A sex offender who knowingly or intentionally:

- (1) fails to register when required to register under this chapter;
- (2) fails to register in every location where the sex offender is required to register under this chapter;
- (3) makes a material misstatement or omission while registering



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as a sex offender under this chapter; or

- (4) fails to register in person and be photographed at least one (1) time per year as required under this chapter; or
- (5) does not reside at the sex offender's registered address or location;

commits a Class D felony.

- **(b)** However, The offense **described in subsection (a)** is a Class C felony if the sex offender has a prior unrelated conviction for an offense:
 - (1) under this section; or
 - (2) based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.
- (c) It is not a defense to a prosecution under this section that the sex offender was unable to pay the sex offender registration fee or the sex offender address change fee described under IC 36-2-13-5.6.

SECTION 13. IC 11-8-8-18, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority in the county where the sexually violent predator's principal address is located, in person, or in writing, of the following:

- (1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.
- (2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.
- (3) The length of time the sexually violent predator will be absent from the sexually violent predator's principal residence.
- (b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person, or in writing, of the following:
 - (1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.
 - (2) The location where the sexually violent predator will be located while spending time in the county.
 - (3) The length of time the sexually violent predator will remain in









the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually violent predator's stay in the county.

(c) A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.".

Page 3, between lines 31 and 32, begin a new paragraph and insert:

"(f) A person who is required to register as a sex offender in any jurisdiction shall register for the period of time required by the other jurisdiction or the length of time described in this section, whichever is longer.

SECTION 14. IC 11-8-8-20, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) The governor department may enter into a compact or agreement with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of a sex offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

- (b) The compact must provide for the designation of a state agency to coordinate the transfer of information.
- (c) (b) If the state agency department receives information that a sex offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, or that a sex offender has been convicted in Indiana but not sentenced to the department, the state agency department shall inform in writing the local law enforcement authority where the sex offender is required to register in Indiana of: determine:
 - (1) the sex offender's name, date of relocation, and new address;
 - (2) the sex offense or delinquent act committed by the sex offender.
 - (1) whether the person is defined as a sex offender under IC 11-8-8-5;
 - (2) whether the person is a sexually violent predator under











IC 35-38-1-7.5;

- (3) the period of time the person will be required to register as a sex offender in Indiana; and
- (4) any other matter required by law to make a registration determination.
- (c) After the department has made a determination under subsection (b), the department shall update the sex offender registry web site and transmit the department's finding to the local law enforcement authority having jurisdiction over the county where the sex offender resides, is employed, and attends school. The department shall transmit:
 - (1) the sex offender's name, date of relocation, new address (if applicable), the offense or delinquent act committed by the sex offender, and any other available descriptive information;
 - (2) whether the sex offender is a sexually violent predator;
 - (3) the period of time the sex offender will be required to register in Indiana; and
 - (4) anything else required by law to make a registration determination.
 - (d) The state agency shall determine, following a hearing:
 - (1) whether a person convicted of an offense in another jurisdiction is required to register as a sex offender in Indiana;
 - (2) whether an out of state sex offender is a sexually violent predator; and
 - (3) the period in which an out of state sex offender who has moved to Indiana will be required to register as a sex offender in Indiana.

SECTION 15. IC 11-8-8-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) The state sex offender administration fund is established to assist the department in carrying out its duties under IC 11-8-2-12.4 concerning the Indiana sex offender registry. The fund shall be administered by the department.

- (b) The expenses of administering the fund shall be paid from money in the fund.
 - (c) The fund consists of:
 - (1) grants;
 - (2) donations;
 - (3) appropriations;
 - (4) money from the annual sex offender registration fee (IC 36-2-13-5.6(a)(1)(A)); and
 - (5) money from the sex offender address change fee (IC



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36-2-13-5.6(a)(1)(B)).

- (d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.
- (e) Money in the fund is continually appropriated to carry out the purposes of the fund.

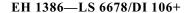
SECTION 16. IC 11-13-3-4, AS AMENDED BY P.L.60-2006, SECTION 1, AS AMENDED BY P.L.139-2006, SECTION 2, AND AS AMENDED BY P.L.140-2006, SECTION 15, AND P.L.173-2006, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

- (b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.
- (c) If a person is released on parole, the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:
 - (1) retained by the parolee;
 - (2) forwarded to any person charged with the parolee's supervision; and
 - (3) placed in the parolee's master file.
- (d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.
- (e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:
 - (1) consider:
 - (A) the residence of the parolee prior to the parolee's incarceration; and
 - (B) the parolee's place of employment; and
 - (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.
 - (f) As a condition of parole, the parole board may require the











parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

- (g) As a condition of parole, the parole board:
 - (1) may require a parolee who is a sex *and violent* offender (as defined in *IC 5-2-12-4*) *IC 11-8-8-5*) to:
 - (A) participate in a treatment program for sex offenders approved by the parole board; and
 - (B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:
 - (i) receives the parole board's approval; or
 - (ii) successfully completes the treatment program referred to in clause (A); and
 - (2) shall:
 - (A) require a parolee who is an a sex offender (as defined in IC 5-2-12-4) IC 11-8-8-5) to register with a sheriff (or the police chief of a consolidated city) local law enforcement authority under IC 5-2-12-5; IC 11-8-8;
 - (B) prohibit the *sex* offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, *unless the sex offender obtains written approval from the parole board; and* (C) prohibit a parolee who is *an a sex* offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the *sex* offender's sex offense *unless the sex offender obtains a waiver under IC 35-38-2-2.5; and*
 - (D) prohibit a parolee from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age.

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) or a sex offender who is an offender against children under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one

EH 1386—LS 6678/DI 106+











thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

- (h) The address of the victim of a parolee who is *an a sex* offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, *even if the sex offender obtains a waiver under IC 35-38-2-2.5*.
- (i) As a condition of parole, the parole board may require a parolee to participate in a reentry court program.
 - (i) (j) As a condition of parole, the parole board:
 - (1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and
 - (2) may require a parolee who is a sex offender (as defined in $\frac{1C}{5-2-12-4}$; IC 11-8-8-5);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

(j) (k) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.5, IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

SECTION 17. IC 11-13-4.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Except as provided in subsection (b), an Indiana offender on probation or parole who applies to be transferred out of state under the interstate compact for adult supervision shall pay an application fee of seventy-five dollars (\$75). The application fee shall be used to cover the costs of administering the interstate compact for adult offender supervision.

- (b) An offender who has been found indigent by a trial court at the time the offender applies to be transferred out of state under the interstate compact for adult supervision may, at the court's discretion, be required to pay a lesser amount of the cost of the application fee under subsection (a).
- (c) An Indiana offender who is on probation shall pay the application fee to the county probation department.
- (d) An Indiana offender who is on parole shall pay the application fee to the department of correction.
- (e) The application fee paid by an Indiana offender who is on probation shall be transferred to the county treasurer. The county treasurer shall deposit fifty percent (50%) of the money collected under this subsection into the county supplemental adult probation services

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fund and shall transmit the remaining fifty percent (50%) of the money collected under this subsection to the Indiana judicial center for deposit in the general fund, to be used to cover the cost of administering the interstate compact for adult offender supervision.

- (f) The executive director of the Indiana judicial center shall submit a proposed budget for expenditure of the money deposited in the general fund under this section to the budget agency in accordance with IC 4-12-1.
- (g) The application fee paid by an Indiana offender who is on parole shall be deposited into the general fund to be used to cover the cost of administering the interstate compact for adult offender supervision.
- (h) The commissioner of the department of correction shall submit a proposed budget for expenditure of the money deposited in the general fund under this section to the budget agency in accordance with IC 4-12-1.
- (i) The judicial center and the department of correction shall develop a process to ensure that a sex offender who transfers to or out of Indiana under the compact will be registered appropriately.

SECTION 18. IC 34-30-2-149.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 149.5. IC 35-38-1-28(d) (Concerning a clerk, court, law enforcement officer, or prosecuting attorney for an error or omission in the transportation of fingerprints, case history data, or sentencing data.)

SECTION 19. IC 35-38-1-7.5, AS AMENDED BY P.L.173-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly engage in any of the offenses described in IC 11-8-8-5. The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).

- (b) A person who:
 - (1) being at least eighteen (18) years of age, commits an offense described in:
 - (A) IC 35-42-4-1;
 - (B) IC 35-42-4-2;
 - (C) IC 35-42-4-3 as a Class A or Class B felony;
 - (D) IC 35-42-4-5(a)(1);
 - (E) IC 35-42-4-5(a)(2);

EH 1386-LS 6678/DI 106+











- (F) IC 35-42-4-5(a)(3);
- (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony;
- (H) IC 35-42-4-5(b)(2); or
- (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony; or
- (J) an attempt or conspiracy to commit a crime listed in clauses (A) through (I); or
- (K) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (J);
- (2) commits an offense described in IC 11-8-8-5 while having a previous unrelated conviction for an offense described in IC 11-8-8-5 for which the person is required to register as an offender under IC 11-8-8;
- (3) commits an offense described in IC 11-8-8-5 while having had a previous unrelated adjudication as a delinquent child for an act that would be an offense described in IC 11-8-8-5 if committed by an adult, if, after considering expert testimony, a court finds by clear and convincing evidence that the person is likely to repeat an act described in this subsection; or
- (4) commits an offense described in IC 11-8-8-5 while having had a previous unrelated adjudication as a delinquent child for an act that would be an offense described in IC 11-8-8-5 if committed by an adult, if the person was required to register as a sex offender under IC 11-8-8-5(b)(2);

is a sexually violent predator. Except as provided in subsections (g) or (h), a person is a sexually violent predator by operation of law if an offense committed by the person satisfies the conditions set forth in subdivision (1) or (2), regardless of when the person committed the offense.

- (c) This section applies whenever a court sentences a person or a juvenile court issues a dispositional decree for a sex offense listed in IC 11-8-8-5 for which the person is required to register with the local law enforcement authority under IC 11-8-8.
- (d) At the sentencing hearing, the court shall determine indicate on the record whether the person is has been convicted of an offense that makes the person a sexually violent predator under subsection (b).
- (e) If the court does not find the a person to be is not a sexually violent predator under subsection (b), the prosecuting attorney may request the court to conduct a hearing to determine whether the person (including a child adjudicated to be a delinquent child) is a sexually violent predator under subsection (a). If the court grants

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the motion, the court shall consult with a appoint board of experts consisting of two (2) board certified psychologists or psychiatrists who have expertise in criminal behavioral disorders to determine if the person is a sexually violent predator under subsection (a). evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person is a sexually violent predator under subsection (a). A hearing conducted under this subsection may be combined with the person's sentencing hearing.

- (f) If the court finds that a person is a sexually violent predator:
 - (1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and
 - (2) the court shall send notice of its finding under this subsection to the department of correction.
- (g) This subsection does not apply to a person who has two (2) or more unrelated convictions for an offense described in IC 11-8-8-5 for which the person is required to register under IC 11-8-8. A person who is found by a court to be a sexually violent predator may petition the court to consider whether the person should no longer be considered a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:
 - (1) the sentencing court or juvenile court makes its finding determination under subsection (e); or
- (2) a person found to be who is a sexually violent predator under subsection (b) is released from incarceration or secure detention. A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if a person should no longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychologists, the court shall determine whether the person should no longer be considered a sexually violent predator under subsection (a). If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually

violent predator, including lifetime parole or GPS monitoring, does not









apply to a person no longer considered a sexually violent predator.

- (h) A person is not a sexually violent predator by operation of law under subsection (b)(1) if all of the following conditions are met:
 - (1) The victim was not less than twelve (12) years of age at the time the offense was committed.
 - (2) The person is not more than four (4) years older than the victim.
 - (3) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.
 - (4) The offense committed by the person was not any of the following:
 - (A) Rape (IC 35-42-4-1).
 - (B) Criminal deviate conduct (IC 35-42-4-2).
 - (C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.
 - (D) An offense that results in serious bodily injury.
 - (E) An offense that is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
 - (5) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.
 - (6) The offense was not committed by a person having a position of authority or substantial influence over the victim.
 - (7) The court finds that the person should not be considered a sexually violent predator.

SECTION 20. IC 35-38-1-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28. (a) Except as provided in subsection (c), immediately after sentencing a defendant for an offense, the court shall order the defendant to be fingerprinted by an individual qualified to take fingerprints. The fingerprints may be recorded in any reliable manner, including by the use of a digital fingerprinting device.

(b) The court shall order a law enforcement officer to provide











the fingerprints to the prosecuting attorney and the state police department, in hard copy or in an electronic format approved by the security and privacy council established by IC 10-13-3-34.

- (c) The court is not required to order the defendant to be fingerprinted if the defendant was previously arrested and processed at the county jail.
- (d) A clerk, court, law enforcement officer, or prosecuting attorney is immune from civil liability for an error or omission in the transmission of fingerprints, case history data, or sentencing data, unless the error or omission constitutes willful or wanton misconduct or gross negligence.

SECTION 21. IC 35-38-1-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 29. (a) This section applies only to a sexually violent predator, including a person who is a sexually violent predator by operation of law for committing an offense under IC 35-38-1-7.5(b).

- (b) If a court imposes a sentence on a person described in subsection (a) that does not involve a commitment to the department of correction, the court shall order the parole board to place the person on lifetime parole and supervise the person in the same manner that the parole board supervises a sexually violent predator who has been released from imprisonment and placed on lifetime parole under IC 35-50-6-1(e).
- (c) If a person described in subsection (b) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:
 - (1) supervise the person while the person is being supervised by the other supervising agency; or
 - (2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person;

in accordance with IC 35-50-6-1(g).

SECTION 22. IC 35-38-2-2.2, AS AMENDED BY P.L.173-2006, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.2. As a condition of probation for a sex offender (as defined in IC 11-8-8-5), the court shall:

(1) require the sex offender to register with the local law enforcement authority under IC 11-8-8; and









(2) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of probation, unless the sex offender obtains written approval from the court.

If the court allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order. However, a court may not allow a sex offender who is a sexually violent predator (as defined in IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 to reside within one thousand (1,000) feet of school property.

SECTION 23. IC 35-38-2-2.5, AS AMENDED BY P.L.173-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

- (b) As used in this section, "sex offense" means any of the following:
 - (1) Rape (IC 35-42-4-1).
 - (2) Criminal deviate conduct (IC 35-42-4-2).
 - (3) Child molesting (IC 35-42-4-3).
 - (4) Child exploitation (IC 35-42-4-4(b)).
 - (5) Vicarious sexual gratification (IC 35-42-4-5).
 - (6) Child solicitation (IC 35-42-4-6).
 - (7) Child seduction (IC 35-42-4-7).
 - (8) Sexual battery (IC 35-42-4-8).
 - (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 - (10) Incest (IC 35-46-1-3).
- (c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.
 - (d) An offender:
 - (1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:
 - (A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or
 - (B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or
 - (2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the













period of parole.

- (e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense unless the offender first obtains a waiver from the:
 - (1) court, if the offender is placed on probation; or
- (2) parole board, if the offender is placed on parole; for the change of address under subsection (f).
- (f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:
 - (1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;
 - (2) the offender is in compliance with all terms of the offender's probation or parole; and
- (3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense. However, the court or parole board may not grant a waiver under this subsection if the offender is a sexually violent predator under IC 35-38-1-7.5 or if the offender is an offender against children under IC 35-42-4-11.
- (g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.
- (h) The address of the victim of the offender's sex offense is confidential even if the court or parole board grants a waiver under subsection (f).

SECTION 9. IC 35-41-1-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,2007]: Sec. 5.5. "Credit restricted felon" means a person who has been convicted of at least one (1) of the following offenses:

- (1) Child molesting involving sexual intercourse or deviate sexual conduct (IC 35-42-4-3(a)), if:
 - (A) the offense is committed by a person at least twenty-one (21) years of age; and
 - (B) the victim is less than twelve (12) years of age.
- (2) Child molesting (IC 35-42-4-3) resulting in serious bodily injury or death.
- (3) Murder (IC 35-42-1-1), if:
 - (A) the person killed the victim while committing or







attempting to commit child molesting (IC 35-42-4-3);

- (B) the victim was the victim of a sex crime under IC 35-42-4, for which the person was convicted; or
- (C) the victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4, and the person committed the murder with the intent to prevent the person from testifying.".

Page 5, after line 42, begin a new paragraph and insert:

"SECTION 25. IC 35-42-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits sexual misconduct with a minor, a Class C felony. However, the offense is:

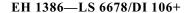
- (1) a Class B felony if it is committed by a person at least twenty-one (21) years of age; and
- (2) a Class A felony if it is committed by using or threatening the use of deadly force, if it is committed while armed with a deadly weapon, if it results in serious bodily injury, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
- (b) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits sexual misconduct with a minor, a Class D felony. However, the offense is:
 - (1) a Class C felony if it is committed by a person at least twenty-one (21) years of age; and
 - (2) a Class B felony if it is committed by using or threatening the use of deadly force, while armed with a deadly weapon, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
- (c) It is a defense that the accused person reasonably believed that the child was at least sixteen (16) years of age at the time of the













conduct. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).

- (d) It is a defense that the child is or has ever been married. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).
- (e) It is a defense to a prosecution under this section if all the following apply:
 - (1) The person is not more than four (4) years older than the victim.
 - (2) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.
 - (3) The crime:
 - (A) was not committed by a person who is at least twenty-one (21) years of age;
 - (B) was not committed by using or threatening the use of deadly force;
 - (C) was not committed while armed with a deadly weapon;
 - (D) did not result in serious bodily injury;
 - (E) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and
 - (F) was not committed by a person having a position of authority or substantial influence over the victim.
 - (4) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.

SECTION 24. IC 35-42-4-10, AS ADDED BY P.L.6-2006, SECTION 3, AS ADDED BY P.L.140-2006, SECTION 31, AND AS ADDED BY P.L.173-2006, SECTION 31, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) As used in this section, "offender against children" means a person who is an offender against children under IC 35-42-4-11.

(a) (b) As used in this section, "sexually violent predator" has the meaning set forth in means a person who is a sexually violent predator

under IC 35-38-1-7.5.







(b) (c) A sexually violent predator or an offender against children who knowingly or intentionally works for compensation or as a volunteer:

- (1) on school property;
- (2) at a youth program center; or
- (3) at a public park;

commits unlawful employment near children by a sexual predator, a Class D felony. However, the offense is a Class C felony if the person has a prior unrelated conviction based on the person's failure to comply with any requirement imposed on an offender under this chapter. IC 11-8-8."

Page 6, line 3, after "section," insert "and except as provided in subsection (d),".

Page 6, line 14, after "age" insert "and the person is not the child's parent or guardian".

Page 6, between lines 18 and 19, begin a new line blocked left and insert:

"A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2), no matter when the person committed the offense.".

Page 6, line 19, strike "two" and insert "three".

Page 6, line 20, strike "(2)" and insert "(3)".

Page 6, line 20, after "residence" insert ", or, if the person does not reside in a residence, in a particular location,".

Page 6, between lines 28 and 29, begin a new paragraph and insert:

"(d) This subsection does not apply to a person who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration, probation, or parole, whichever occurs last. A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if a person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should









no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

SECTION 25. IC 35-50-2-2, AS AMENDED BY P.L.151-2006, SECTION 28, AS AMENDED BY P.L.140-2006, SECTION 36, AND AS AMENDED BY P.L.173-2006, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

- (b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:
 - (1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.
 - (2) The crime committed was a Class C felony and less than seven
 - (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.
 - (3) The crime committed was a Class D felony and less than three
 - (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.
 - (4) The felony committed was:
 - (A) murder (IC 35-42-1-1);
 - (B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;
 - (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
 - (D) kidnapping (IC 35-42-3-2);
 - (E) confinement (IC 35-42-3-3) with a deadly weapon;
 - (F) rape (IC 35-42-4-1) as a Class A felony;
 - (G) criminal deviate conduct (IC 35-42-4-2) as a Class A



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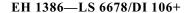
felony;

- (H) child molesting (IC 35-42-4-3) as a Class A or Class B felony, **unless:**
 - (i) the felony committed was child molesting as a Class B felony;
 - (ii) the victim was not less than twelve (12) years old at the time the offense was committed;
 - (iii) the person is not more than four (4) years older than the victim:
 - (iv) the relationship between the person and the victim was a dating relationship or an ongoing personal relationship (not including a family relationship);
 - (v) was not committed by a person having a position of authority or substantial influence over the victim; and (vi) the person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person;
- (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;
- (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;
- (K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;
- (L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;
- (M) escape (IC 35-44-3-5) with a deadly weapon;
- (N) rioting (IC 35-45-1-2) with a deadly weapon;
- (O) dealing in cocaine *or* a narcotic drug *or methamphetamine* (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center;
- (P) dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person

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delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;
- (P) (Q) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center;
- (Q) (R) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;
- $\frac{R}{R}$ (S) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or
- (S) (T) aggravated battery (IC 35-42-2-1.5).
- (c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.
- (d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.
- (e) Whenever the court suspends that part of $\frac{an}{a}$ a sex offender's (as defined in $IC \frac{5-2-12-4}{1}$ $IC \frac{11-8-8-5}{1}$) sentence that is suspendible under subsection (b), the court shall place the sex offender on probation under IC 35-38-2 for not more than ten (10) years.
- (f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.
- (g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense











was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) or IC 35-48-4-6.1(b)(1)(B) may not be suspended.

SECTION 26. IC 35-50-6-1, AS AMENDED BY P.L.139-2006, SECTION 6, AS AMENDED BY P.L.140-2006, SECTION 38, AND AS AMENDED BY P.L.173-2006, SECTION 38, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (d) or (e), when a person imprisoned for a felony completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to that term, the person shall be:

- (1) released on parole for not more than twenty-four (24) months, as determined by the parole board;
- (2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or
- (3) released to the committing court if the sentence included a period of probation.
- (b) This subsection does not apply to a person described in subsection (d), (e), or (f). A person released on parole remains on parole from the date of release until the person's fixed term expires, unless the person's parole is revoked or the person is discharged from that term by the parole board. In any event, if the person's parole is not revoked, the parole board shall discharge the person after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.
- (c) A person whose parole is revoked shall be imprisoned for all or part of the remainder of the person's fixed term. However, the person shall again be released on parole when the person completes that remainder, less the credit time the person has earned since the revocation. The parole board may reinstate the person on parole at any time after the revocation.
- (d) This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sex offender (as defined in *IC 5-2-12-4*) *IC 11-8-8-5*) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.
- (e) This subsection applies to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sexually violent predator completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole











for the remainder of the person's life.

- (f) This subsection applies to a parolee in another jurisdiction who is a sexually violent predator under IC 35-38-1-7.5 and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a sexually violent predator and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a sexually violent predator convicted in Indiana, including:
 - (1) lifetime parole (as described in subsection (e)); and
 - (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.
- (g) If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:
 - (1) supervise the person while the person is being supervised by the other supervising agency; or
 - (2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:
 - (A) at least as stringent; and
 - (B) at least as effective;
 - as supervision by the parole board.
- (h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.
- (i) If a court orders the parole board to place a sexually violent predator whose sentence does not include a commitment to the department of correction on lifetime parole under IC 35-38-1-29, the parole board shall place the sexually violent predator on lifetime parole and supervise the person in the same manner that the parole board supervises a sexually violent predator on lifetime parole whose sentence includes a commitment to the department









of correction.

SECTION 27. IC 35-50-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A person assigned to Class I earns one (1) day of credit time for each day he the person is imprisoned for a crime or confined awaiting trial or sentencing.

- (b) A person assigned to Class II earns one (1) day of credit time for every two (2) days he the person is imprisoned for a crime or confined awaiting trial or sentencing.
 - (c) A person assigned to Class III earns no credit time.
- (d) A person assigned to Class IV earns one (1) day of credit for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

SECTION 28. IC 35-50-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A person who is not a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class I.

- (b) A person who is a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class IV. A credit restricted felon may not be assigned to Class I or Class II.
- (b) (c) A person who is not assigned to Class IV may be reassigned to Class II or Class III if he the person violates any of the following:
 - (1) A rule of the department of correction.
 - (2) A rule of the penal facility in which he the person is imprisoned.
- (3) A rule or condition of a community transition program. However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, he the person must be granted a hearing to determine his the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive his the right to the hearing.
- (d) A person who is assigned to Class IV may be reassigned to Class III if the person violates any of the following:
 - (1) A rule of the department of correction.
 - (2) A rule of the penal facility in which the person is imprisoned.
- (3) A rule or condition of a community transition program. However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to Class III, the person must be granted a hearing to determine the

EH 1386—LS 6678/DI 106+











person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

- (c) (e) In connection with the hearing granted under subsection (b), (c) or (d), the person is entitled to:
 - (1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct and the rule the misconduct is alleged to have violated;
 - (2) have reasonable time to prepare for the hearing;
 - (3) have an impartial decisionmaker;
 - (4) appear and speak in his the person's own behalf;
 - (5) call witnesses and present evidence;
 - (6) confront and cross-examine each witness, unless the hearing authority finds that to do so would subject a witness to a substantial risk of harm;
 - (7) have the assistance of a lay advocate (the department may require that the advocate be an employee of, or a fellow prisoner in, the same facility or program);
 - (8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;
 - (9) have immunity if his the person's testimony or any evidence derived from his the person's testimony is used in any criminal proceedings; and
 - (10) have his the person's record expunged of any reference to the charge if he the person is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

(d) (f) A person may be reassigned from Class III to Class I, or Class II, or Class IV, or from Class II to Class I. A person's assignment to Class III or Class II shall be reviewed at least once every six (6) months to determine if he the person should be reassigned to a higher credit time class. A credit restricted felon may not be reassigned to Class I or Class II.

SECTION 29. IC 35-50-6-5, AS AMENDED BY P.L.173-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time the person has earned for any of the following:

(1) A violation of one (1) or more rules of the department of correction.

EH 1386—LS 6678/DI 106+









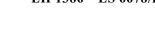
- (2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.
- (3) A violation of one (1) or more rules or conditions of a community transition program.
- (4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.
- (5) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.
- (6) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, he the person may also be reassigned to Class II (if the person is not a credit restricted felon) or Class III.

- (b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) section 4(e) of this chapter. The person may waive the person's right to the hearing.
- (c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 30. IC 36-2-13-5.5, AS AMENDED BY P.L.173-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain an Indiana sex offender web site, known as the Indiana sex offender registry, to inform the general public about the identity, location, and appearance of every sex offender residing within Indiana. The web site must provide information regarding each sex offender, organized by county of residence. The web site shall be updated at least daily.

- (b) The Indiana sex offender web site must include the following information:
 - (1) A recent photograph of every sex offender who has registered with a sheriff after the effective date of this chapter.











- (2) The home address of every sex offender.
- (3) The information required under IC 11-8-8-8.
- (c) Every time a sex offender registers, but at least once per year, the sheriff shall:
 - (1) photograph the sex offender; and
 - (2) determine whether the sex offender's fingerprints are on file.
 - (A) in Indiana; or
 - (B) with the Federal Bureau of Investigation.

If it appears that the sex offender's fingerprints are not on file as described in subdivision (2), the sheriff shall fingerprint the sex offender and transmit a copy of the fingerprints to the state police department. The sheriff shall place this the photograph described in subdivision (1) on the Indiana sex offender web site.

- (d) The photograph of a sex offender described in subsection (c) must meet the following requirements:
 - (1) The photograph must be full face, front view, with a plain white or off-white background.
 - (2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.
 - (3) The photograph must be in color.
 - (4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.
 - (5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.
 - (6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the Indiana sex offender web site.
 - (e) The Indiana sex offender web site may be funded from:
 - (1) the jail commissary fund (IC 36-8-10-21);
 - (2) a grant from the criminal justice institute; and
 - (3) any other source, subject to the approval of the county fiscal body.

SECTION 31. IC 36-2-13-5.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.6. (a) The legislative body of a**

EH 1386—LS 6678/DI 106+











county may adopt an ordinance:

- (1) requiring the local law enforcement authority (as defined in IC 11-8-8-2) to collect:
 - (A) an annual sex offender registration fee; and
 - (B) a sex offender address change fee; and
- (2) establishing a county sex offender administration fund to fund the administration of the sex offender registration system.
- (b) If an ordinance is adopted under subsection (a), the legislative body of the county shall establish the amount of the annual sex offender registration fee. However, the annual sex offender registration fee may not exceed fifty dollars (\$50).
- (c) If an ordinance is adopted under subsection (a), the legislative body of the county shall establish the amount of the sex offender address change fee. However, a sex offender address change fee may not exceed five dollars (\$5) per address change.
- (d) The legislative body of the county shall determine the manner in which the local law enforcement authority shall collect the annual sex offender registration fee and the sex offender address change fee. However, the annual sex offender registration fee may be collected only one (1) time per year. The sex offender address change fee may be collected each time a sex offender registers an address change with the local law enforcement authority.
- (e) The local law enforcement authority shall transfer fees collected under this section to the county auditor of the county in which the local law enforcement authority exercises jurisdiction.
 - (f) The county auditor shall monthly:
 - (1) deposit ninety percent (90%) of any fees collected under this section in the county sex offender administration fund established under subsection (a); and
 - (2) transfer ten percent (10%) of any fees collected under this section to the treasurer of state for deposit in the state sex offender administration fund under IC 11-8-8-21.
- (g) A county fiscal body may appropriate money from the county sex offender administration fund to an agency or organization involved in the administration of the sex offender registry to defray the expense of administering or ensuring compliance with the laws concerning the Indiana sex offender registry."

Page 6, line 29, after "2007]" insert "(a) IC 35-38-1-29, as added by this act, and IC 11-8-8-17, IC 11-8-8-18,".

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Page 6, line 29, after "35-42-4-6" insert ", IC 35-42-4-9, IC 35-42-4-10,".

Page 6, line 30, after "IC 35-42-4-11," insert "and IC 35-50-6-1(i),". Page 6, line 30, delete "both" and insert "all".

Page 6, after line 31, begin a new paragraph and insert:

"(b) IC 35-41-1-5.5, as added by this act, and IC 35-50-6-3, IC 35-50-6-4, and IC 35-50-6-5, all as amended by this act, apply only to persons convicted after June 30, 2007.

SECTION 34. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1386 as printed March 13, 2007.)

Senator BRAY

SENATE MOTION

Madam President: I move that Engrossed House Bill 1386 be amended to read as follows:

Page 5, after line 42, begin a new paragraph and insert:

"SECTION 5. IC 35-42-4-7, AS AMENDED BY P.L.1-2005, SECTION 228, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

- (b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.
 - (c) As used in this section, "child care worker" means a person who:
 - (1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility; or
 - (2) is employed by a:
 - (A) school corporation; or
 - (B) nonpublic school;

attended by a child who is the victim of a crime under this chapter.

- (d) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.
- (e) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.
- (f) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.
 - (g) As used in this section, "stepparent" means an individual who is



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married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

- (h) If a person who: is:
 - (1) is at least eighteen (18) years of age; and
 - (2) is:
 - **(A)** the:
 - (A) (i) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or
 - (B) (ii) child care worker for; or
 - (B) a member of the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard who is attempting to enlist;

a child at least sixteen (16) years of age but less than eighteen (18) years of age;

engages with the child in sexual intercourse, deviate sexual conduct (as defined in IC 35-41-1-9), or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction, a Class D felony.".

Page 6, line 29, after "IC 35-42-4-6" insert ", IC 35-42-4-7,".

Page 6, line 30, delete "both" and insert "all".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1386 as printed March 13, 2007.)

DELPH

SENATE MOTION

Madam President: I move that House Bill 1386 be amended to read as follows:

Page 6, line 23, after "property" insert ", not including property of an institution providing post-secondary education". (Reference is to EHB 1386 as printed March 13, 2007.)

HUME







